

**Calendar No. 513**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2779**

**[Report No. 107-219]**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 24, 2002

Mr. LEAHY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2003, and for other pur-  
6       poses, namely:

1           TITLE I—EXPORT AND INVESTMENT  
2                           ASSISTANCE

3           EXPORT-IMPORT BANK OF THE UNITED STATES

4           The Export-Import Bank of the United States is au-  
5 thorized to make such expenditures within the limits of  
6 funds and borrowing authority available to such corpora-  
7 tion, and in accordance with law, and to make such con-  
8 tracts and commitments without regard to fiscal year limi-  
9 tations, as provided by section 104 of the Government  
10 Corporation Control Act, as may be necessary in carrying  
11 out the program for the current fiscal year for such cor-  
12 poration: *Provided*, That none of the funds available dur-  
13 ing the current fiscal year may be used to make expendi-  
14 tures, contracts, or commitments for the export of nuclear  
15 equipment, fuel, or technology to any country, other than  
16 a nuclear-weapon state as defined in Article IX of the  
17 Treaty on the Non-Proliferation of Nuclear Weapons eligi-  
18 ble to receive economic or military assistance under this  
19 Act, that has detonated a nuclear explosive after the date  
20 of the enactment of this Act.

21                           SUBSIDY APPROPRIATION

22           For the cost of direct loans, loan guarantees, insur-  
23 ance, and tied-aid grants as authorized by section 10 of  
24 the Export-Import Bank Act of 1945, as amended,  
25 \$541,400,000, to remain available until September 30,  
26 2006: *Provided*, That such costs, including the cost of

1 modifying such loans, shall be as defined in section 502  
 2 of the Congressional Budget Act of 1974: *Provided fur-*  
 3 *ther*, That such sums shall remain available until Sep-  
 4 tember 30, 2021 for the disbursement of direct loans, loan  
 5 guarantees, insurance and tied-aid grants obligated in fis-  
 6 cal years 2003, 2004, 2005, and 2006: *Provided further*,  
 7 That none of the funds appropriated by this Act or any  
 8 prior Act appropriating funds for foreign operations, ex-  
 9 port financing, or related programs for tied-aid credits or  
 10 grants may be used for any other purpose except through  
 11 the regular notification procedures of the Committees on  
 12 Appropriations: *Provided further*, That funds appropriated  
 13 by this paragraph are made available notwithstanding sec-  
 14 tion 2(b)(2) of the Export-Import Bank Act of 1945, in  
 15 connection with the purchase or lease of any product by  
 16 any East European country, any Baltic State or any agen-  
 17 cy or national thereof.

#### 18 ADMINISTRATIVE EXPENSES

19 For administrative expenses to carry out the direct  
 20 and guaranteed loan and insurance programs, including  
 21 hire of passenger motor vehicles and services as authorized  
 22 by 5 U.S.C. 3109, and not to exceed \$30,000 for official  
 23 reception and representation expenses for members of the  
 24 Board of Directors, \$68,300,000: *Provided*, That the Ex-  
 25 port-Import Bank may accept, and use, payment or serv-  
 26 ices provided by transaction participants for legal, finan-

1 cial, or technical services in connection with any trans-  
 2 action for which an application for a loan, guarantee or  
 3 insurance commitment has been made: *Provided further*,  
 4 That, notwithstanding subsection (b) of section 117 of the  
 5 Export Enhancement Act of 1992, subsection (a) thereof  
 6 shall remain in effect until October 1, 2003.

7 OVERSEAS PRIVATE INVESTMENT CORPORATION  
 8 NONCREDIT ACCOUNT

9 The Overseas Private Investment Corporation is au-  
 10 thorized to make, without regard to fiscal year limitations,  
 11 as provided by 31 U.S.C. 9104, such expenditures and  
 12 commitments within the limits of funds available to it and  
 13 in accordance with law as may be necessary: *Provided*,  
 14 That the amount available for administrative expenses to  
 15 carry out the credit and insurance programs (including an  
 16 amount for official reception and representation expenses  
 17 which shall not exceed \$35,000) shall not exceed  
 18 \$39,885,000: *Provided further*, That project-specific trans-  
 19 action costs, including direct and indirect costs incurred  
 20 in claims settlements, and other direct costs associated  
 21 with services provided to specific investors or potential in-  
 22 vestors pursuant to section 234 of the Foreign Assistance  
 23 Act of 1961, shall not be considered administrative ex-  
 24 penses for the purposes of this heading.

## PROGRAM ACCOUNT

1  
2 For the cost of direct and guaranteed loans,  
3 \$24,000,000, as authorized by section 234 of the Foreign  
4 Assistance Act of 1961, to be derived by transfer from  
5 the Overseas Private Investment Corporation Non-Credit  
6 Account: *Provided*, That such costs, including the cost of  
7 modifying such loans, shall be as defined in section 502  
8 of the Congressional Budget Act of 1974: *Provided fur-*  
9 *ther*, That such sums shall be available for direct loan obli-  
10 gations and loan guaranty commitments incurred or made  
11 during fiscal years 2003 and 2004: *Provided further*, That  
12 such sums shall remain available through fiscal year 2011  
13 for the disbursement of direct and guaranteed loans obli-  
14 gated in fiscal year 2003, and through fiscal year 2012  
15 for the disbursement of direct and guaranteed loans obli-  
16 gated in fiscal year 2004.

17 In addition, such sums as may be necessary for ad-  
18 ministrative expenses to carry out the credit program may  
19 be derived from amounts available for administrative ex-  
20 penses to carry out the credit and insurance programs in  
21 the Overseas Private Investment Corporation Noncredit  
22 Account and merged with said account.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

3 For necessary expenses to carry out the provisions  
 4 of section 661 of the Foreign Assistance Act of 1961,  
 5 \$44,696,000, to remain available until September 30,  
 6 2004.

7 TITLE II—BILATERAL ECONOMIC ASSISTANCE

8 FUNDS APPROPRIATED TO THE PRESIDENT

9 For expenses necessary to enable the President to  
 10 carry out the provisions of the Foreign Assistance Act of  
 11 1961, and for other purposes, to remain available until  
 12 September 30, 2003, unless otherwise specified herein, as  
 13 follows:

14 UNITED STATES AGENCY FOR INTERNATIONAL

15 DEVELOPMENT

16 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

17 For necessary expenses to carry out the provisions  
 18 of chapters 1 and 10 of part I of the Foreign Assistance  
 19 Act of 1961, for child survival, health, and family plan-  
 20 ning/reproductive health activities, in addition to funds  
 21 otherwise available for such purposes, \$1,780,000,000, to  
 22 remain available until expended: *Provided*, That this  
 23 amount shall be made available for such activities as: (1)  
 24 immunization programs; (2) oral rehydration programs;  
 25 (3) health, nutrition, water and sanitation programs which  
 26 directly address the needs of mothers and children, and

1 related education programs; (4) assistance for displaced  
 2 and orphaned children; (5) programs for the prevention,  
 3 treatment, and control of, and research on, HIV/AIDS,  
 4 tuberculosis, malaria, polio and other infectious diseases;  
 5 and (6) family planning/reproductive health: *Provided fur-*  
 6 *ther*, That none of the funds appropriated under this head-  
 7 ing may be made available for nonproject assistance, ex-  
 8 cept that funds may be made available for such assistance  
 9 for ongoing health activities: *Provided further*, That of the  
 10 funds appropriated under this heading, not to exceed  
 11 \$125,000, in addition to funds otherwise available for such  
 12 purposes, may be used to monitor and provide oversight  
 13 of child survival, maternal and family planning/reproduc-  
 14 tive health, and infectious disease programs: *Provided fur-*  
 15 *ther*, That the following amounts should be allocated as  
 16 follows: \$350,000,000 for child survival and maternal  
 17 health; \$25,000,000 for vulnerable children; \$500,000,000  
 18 for HIV/AIDS including not less than \$18,000,000 which  
 19 shall be made available to support the development of  
 20 microbicides as a means for combating HIV/AIDS;  
 21 \$185,000,000 for other infectious diseases, of which not  
 22 less than \$65,000,000 should be made available for the  
 23 prevention, treatment, and control of, and research on, tu-  
 24 berculosis, and of which not less than \$75,000,000 should  
 25 be made available to combat malaria; \$400,000,000 for

1 family planning/reproductive health, including in areas  
2 where population growth threatens biodiversity or endan-  
3 gered species; and \$120,000,000 for UNICEF: *Provided*  
4 *further*, That of the funds appropriated under this head-  
5 ing, \$200,000,000 shall be made available, notwith-  
6 standing any other provision of law, for a United States  
7 contribution to the Global Fund to Fight AIDS, Tuber-  
8 culosis and Malaria, and shall be expended at the min-  
9 imum rate necessary to make timely payment for projects  
10 and activities: *Provided further*, That of the funds appro-  
11 priated under this heading, up to \$60,000,000 should be  
12 made available for a United States contribution to The  
13 Vaccine Fund, and up to \$12,000,000 should be made  
14 available for the International AIDS Vaccine Initiative:  
15 *Provided further*, That of the funds appropriated under  
16 this heading, \$10,000,000 shall be made available to con-  
17 tinue to support the provision of wheelchairs for needy  
18 persons in developing countries: *Provided further*, That  
19 none of the funds made available in this Act nor any unob-  
20 ligated balances from prior appropriations may be made  
21 available to any organization or program which, as deter-  
22 mined by the Secretary of State, directly participates in  
23 the practice of coercive abortion or involuntary steriliza-  
24 tion: *Provided further*, That none of the funds made avail-  
25 able under this Act may be used to pay for the perform-

1   ance of abortion as a method of family planning or to mo-  
 2   tivate or coerce any person to practice abortions: *Provided*  
 3   *further*, That none of the funds made available under this  
 4   Act may be used to lobby for or against abortion: *Provided*  
 5   *further*, That in order to reduce reliance on abortion in  
 6   developing nations, funds shall be available only to vol-  
 7   untary family planning projects which offer, either directly  
 8   or through referral to, or information about access to, a  
 9   broad range of family planning methods and services, and  
 10   that any such voluntary family planning project shall meet  
 11   the following requirements: (1) service providers or refer-  
 12   ral agents in the project shall not implement or be subject  
 13   to quotas, or other numerical targets, of total number of  
 14   births, number of family planning acceptors, or acceptors  
 15   of a particular method of family planning (this provision  
 16   shall not be construed to include the use of quantitative  
 17   estimates or indicators for budgeting and planning pur-  
 18   poses); (2) the project shall not include payment of incen-  
 19   tives, bribes, gratuities, or financial reward to: (A) an indi-  
 20   vidual in exchange for becoming a family planning accep-  
 21   tor; or (B) program personnel for achieving a numerical  
 22   target or quota of total number of births, number of fam-  
 23   ily planning acceptors, or acceptors of a particular method  
 24   of family planning; (3) the project shall not deny any right  
 25   or benefit, including the right of access to participate in

1 any program of general welfare or the right of access to  
2 health care, as a consequence of any individual's decision  
3 not to accept family planning services; (4) the project shall  
4 provide family planning acceptors comprehensible infor-  
5 mation on the health benefits and risks of the method cho-  
6 sen, including those conditions that might render the use  
7 of the method inadvisable and those adverse side effects  
8 known to be consequent to the use of the method; and  
9 (5) the project shall ensure that experimental contracep-  
10 tive drugs and devices and medical procedures are pro-  
11 vided only in the context of a scientific study in which  
12 participants are advised of potential risks and benefits;  
13 and, not less than 60 days after the date on which the  
14 Administrator of the United States Agency for Inter-  
15 national Development determines that there has been a  
16 violation of the requirements contained in paragraph (1),  
17 (2), (3), or (5) of this proviso, or a pattern or practice  
18 of violations of the requirements contained in paragraph  
19 (4) of this proviso, the Administrator shall submit to the  
20 Committees on Appropriations a report containing a de-  
21 scription of such violation and the corrective action taken  
22 by the Agency: *Provided further*, That in awarding grants  
23 for natural family planning under section 104 of the For-  
24 eign Assistance Act of 1961 no applicant shall be discrimi-  
25 nated against because of such applicant's religious or con-

1 scientific commitment to offer only natural family plan-  
 2 ning; and, additionally, all such applicants shall comply  
 3 with the requirements of the previous proviso: *Provided*  
 4 *further*, That for purposes of this or any other Act author-  
 5 izing or appropriating funds for foreign operations, export  
 6 financing, and related programs, the term “motivate”, as  
 7 it relates to family planning assistance, shall not be con-  
 8 strued to prohibit the provision, consistent with local law,  
 9 of information or counseling about all pregnancy options:  
 10 *Provided further*, That restrictions with respect to assist-  
 11 ance for HIV/AIDS, family planning, or child survival and  
 12 health activities shall not be construed to restrict assist-  
 13 ance in support of programs to expand the availability and  
 14 use of condoms for HIV/AIDS prevention and of contra-  
 15 ceptives from funds appropriated by this Act: *Provided*  
 16 *further*, That nothing in this paragraph shall be construed  
 17 to alter any existing statutory prohibitions against abor-  
 18 tion under section 104 of the Foreign Assistance Act of  
 19 1961.

## 20 DEVELOPMENT ASSISTANCE

21 For necessary expenses to carry out the provisions  
 22 of sections 103, 105, 106, and 131, and chapter 10 of  
 23 part I of the Foreign Assistance Act of 1961,  
 24 \$1,350,000,000, to remain available until September 30,  
 25 2004: *Provided*, That none of the funds appropriated  
 26 under title II of this Act that are managed by or allocated

1 to the United States Agency for International Develop-  
2 ment's Global Development Alliance Secretariat, may be  
3 made available except through the regular notification pro-  
4 cedures of the Committees on Appropriations: *Provided*  
5 *further*, That \$200,000,000 should be allocated for chil-  
6 dren's basic education: *Provided further*, That none of the  
7 funds appropriated under this heading may be made avail-  
8 able for any activity which is in contravention to the Con-  
9 vention on International Trade in Endangered Species of  
10 Flora and Fauna: *Provided further*, That of the funds ap-  
11 propriated under this heading that are made available for  
12 assistance programs for displaced and orphaned children  
13 and victims of war, not to exceed \$32,500, in addition to  
14 funds otherwise available for such purposes, may be used  
15 to monitor and provide oversight of such programs: *Pro-*  
16 *vided further*, That of the aggregate amount of the funds  
17 appropriated by this Act that are made available for agri-  
18 culture and rural development programs, \$35,000,000  
19 should be made available for plant biotechnology research  
20 and development: *Provided further*, That not less than  
21 \$2,300,000 should be made available for core support for  
22 the International Fertilizer Development Center: *Provided*  
23 *further*, That of the funds appropriated under this head-  
24 ing, not less than \$1,000,000 shall be made available for  
25 support of the United States Telecommunications Train-

1 ing Institute: *Provided further*, That of the funds appro-  
 2 priated under this heading, not less than \$19,000,000  
 3 should be made available for the American Schools and  
 4 Hospitals Abroad program: *Provided further*, That of the  
 5 funds appropriated by this Act, \$450,000,000 should be  
 6 made available for water-related assistance programs, of  
 7 which \$100,000,000 shall be made available for drinking  
 8 water supply projects.

9 INTERNATIONAL DISASTER ASSISTANCE

10 For necessary expenses for international disaster re-  
 11 lief, rehabilitation, and reconstruction assistance pursuant  
 12 to section 491 of the Foreign Assistance Act of 1961, as  
 13 amended, \$255,500,000, to remain available until ex-  
 14 pended.

15 TRANSITION INITIATIVES

16 For necessary expenses for international disaster re-  
 17 habilitation and reconstruction assistance pursuant to sec-  
 18 tion 491 of the Foreign Assistance Act of 1961,  
 19 \$65,000,000, to remain available until expended, to sup-  
 20 port transition to democracy and to long-term develop-  
 21 ment of countries in crisis: *Provided*, That such support  
 22 may include assistance to develop, strengthen, or preserve  
 23 democratic institutions and processes, revitalize basic in-  
 24 frastructure, and foster the peaceful resolution of conflict:  
 25 *Provided further*, That the United States Agency for Inter-  
 26 national Development shall submit a report to the Com-

1 mittees on Appropriations at least 5 days prior to begin-  
2 ning a new program of assistance.

3 DEVELOPMENT CREDIT AUTHORITY

4 (INCLUDING TRANSFER OF FUNDS)

5 For the cost of direct loans and loan guarantees, as  
6 authorized by sections 108 and 635 of the Foreign Assist-  
7 ance Act of 1961, funds may be derived by transfer from  
8 funds appropriated by this Act to carry out part I of such  
9 Act and under the heading “Assistance for Eastern Eu-  
10 rope and the Baltic States”: *Provided*, That such funds  
11 when added to the funds transferred pursuant to the au-  
12 thority contained under this heading in Public Law 107–  
13 115, shall not exceed \$24,500,000, which shall be made  
14 available only for micro and small enterprise programs,  
15 urban programs, and other programs which further the  
16 purposes of part I of the Act: *Provided further*, That such  
17 costs shall be as defined in section 502 of the Congres-  
18 sional Budget Act of 1974: *Provided further*, That the pro-  
19 visions of section 107A(d) (relating to general provisions  
20 applicable to the Development Credit Authority) of the  
21 Foreign Assistance Act of 1961, as contained in section  
22 306 of H.R. 1486 as reported by the House Committee  
23 on International Relations on May 9, 1997, shall be appli-  
24 cable to direct loans and loan guarantees provided under  
25 this heading. In addition, for administrative expenses to  
26 carry out credit programs administered by the United

1 States Agency for International Development, \$7,591,000,  
 2 which may be transferred to and merged with the appro-  
 3 priation for Operating Expenses of the United States  
 4 Agency for International Development: *Provided further*,  
 5 That funds made available under this heading shall re-  
 6 main available until September 30, 2007.

7 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
 8 DISABILITY FUND

9 For payment to the “Foreign Service Retirement and  
 10 Disability Fund”, as authorized by the Foreign Service  
 11 Act of 1980, \$45,200,000.

12 OPERATING EXPENSES OF THE UNITED STATES AGENCY  
 13 FOR INTERNATIONAL DEVELOPMENT

14 For necessary expenses to carry out the provisions  
 15 of section 667, \$571,087,000: *Provided*, That none of the  
 16 funds appropriated under this heading may be made avail-  
 17 able to finance the construction (including architect and  
 18 engineering services), purchase, or long term lease of of-  
 19 fices for use by the United States Agency for International  
 20 Development, unless the Administrator has identified such  
 21 proposed construction (including architect and engineering  
 22 services), purchase, or long term lease of offices in a re-  
 23 port submitted to the Committees on Appropriations at  
 24 least 15 days prior to the obligation of these funds for  
 25 such purposes: *Provided further*, That the previous proviso  
 26 shall not apply where the total cost of construction (in-

cluding architect and engineering services), purchase, or  
long term lease of offices does not exceed \$1,000,000.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and  
related costs, and for the procurement and enhancement  
of information technology and related capital investments,  
pursuant to section 667, \$65,000,000, to remain available  
until September 30, 2007: *Provided*, That of the funds ap-  
propriated under this heading, not less than \$13,000,000  
shall be available for the procurement and enhancement  
of information technology and related capital investments:  
*Provided further*, That the funds appropriated under this  
heading are in addition to funds otherwise available for  
such purposes.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN- SPECTOR GENERAL

For necessary expenses to carry out the provisions  
of section 667, \$33,046,000, to remain available until Sep-  
tember 30, 2004, which sum shall be available for the Of-  
fice of the Inspector General of the United States Agency  
for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

#### ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions  
of chapter 4 of part II, \$2,250,000,000, to remain avail-

1 able until September 30, 2004: *Provided*, That of the  
2 funds appropriated under this heading, not less than  
3 \$600,000,000 shall be available only for Israel, which sum  
4 shall be available on a grant basis as a cash transfer and  
5 shall be disbursed within 30 days of the enactment of this  
6 Act or by October 31, 2002, whichever is later: *Provided*  
7 *further*, That not less than \$615,000,000 shall be available  
8 only for Egypt, which sum shall be provided on a grant  
9 basis, and of which sum cash transfer assistance shall be  
10 provided with the understanding that Egypt will under-  
11 take significant economic reforms which are additional to  
12 those which were undertaken in previous fiscal years, and  
13 of which not less than \$200,000,000 shall be provided as  
14 Commodity Import Program assistance: *Provided further*,  
15 That in exercising the authority to provide cash transfer  
16 assistance for Israel, the President shall ensure that the  
17 level of such assistance does not cause an adverse impact  
18 on the total level of nonmilitary exports from the United  
19 States to such country and that Israel enters into a side  
20 letter agreement in an amount proportional to the fiscal  
21 year 1999 agreement: *Provided further*, That of the funds  
22 appropriated under this heading, \$250,000,000 shall be  
23 made available for assistance for Jordan: *Provided further*,  
24 That of the funds appropriated under this heading, not  
25 less than \$75,000,000 shall be made available for humani-

1 tarian, refugee, reconstruction, and development activities,  
2 including activities to promote democratic and economic  
3 reform, for the West Bank and Gaza: *Provided further*,  
4 That \$15,000,000 of the funds appropriated under this  
5 heading shall be made available for Cyprus to be used only  
6 for scholarships, administrative support of the scholarship  
7 program, bicommunal projects, and measures aimed at re-  
8 unification of the island and designed to reduce tensions  
9 and promote peace and cooperation between the two com-  
10 munities on Cyprus: *Provided further*, That \$35,000,000  
11 of the funds appropriated under this heading shall be  
12 made available for assistance for Lebanon to be used,  
13 among other programs, for scholarships and direct sup-  
14 port of the American educational institutions in Lebanon:  
15 *Provided further*, That none of the funds appropriated  
16 under this heading may be made available for assistance  
17 for the Central Government of Lebanon: *Provided further*,  
18 That the Government of Lebanon should enforce the cus-  
19 tody and international pickup orders, issued during cal-  
20 endar year 2001, of Lebanon's civil courts regarding ab-  
21 ducted American children in Lebanon: *Provided further*,  
22 That of the funds appropriated under this heading, not  
23 less than \$25,000,000 shall be made available for assist-  
24 ance for East Timor of which up to \$1,000,000 may be  
25 available for administrative expenses of the United States

1 Agency for International Development: *Provided further*,  
2 That funds appropriated under this heading may be used,  
3 notwithstanding any other provision of law, to provide as-  
4 sistance to the National Democratic Alliance of Sudan to  
5 strengthen its ability to protect civilians from attacks,  
6 slave raids, and aerial bombardment by the Sudanese Gov-  
7 ernment forces and its militia allies, and the provision of  
8 such funds shall be subject to the regular notification pro-  
9 cedures of the Committees on Appropriations: *Provided*  
10 *further*, That in the previous proviso, the term “assist-  
11 ance” includes non-lethal, non-food aid such as blankets,  
12 medicine, fuel, mobile clinics, water drilling equipment,  
13 communications equipment to notify civilians of aerial  
14 bombardment, non-military vehicles, tents, and shoes: *Pro-*  
15 *vided further*, That with respect to funds appropriated  
16 under this heading in this Act or prior Acts making appro-  
17 priations for foreign operations, export financing, and re-  
18 lated programs, the responsibility for policy decisions and  
19 justifications for the use of such funds, including whether  
20 there will be a program for a country that uses those funds  
21 and the amount of each such program, shall be the respon-  
22 sibility of the Secretary of State and the Deputy Secretary  
23 of State and this responsibility shall not be delegated.

1 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC  
2 STATES

3 (a) For necessary expenses to carry out the provisions  
4 of the Foreign Assistance Act of 1961 and the Support  
5 for East European Democracy (SEED) Act of 1989,  
6 \$555,000,000, to remain available until September 30,  
7 2004, which shall be available, notwithstanding any other  
8 provision of law, for assistance and for related programs  
9 for Eastern Europe and the Baltic States: *Provided*, That  
10 funds made available for assistance for Kosovo from funds  
11 appropriated under this heading and under the headings  
12 “Economic Support Fund” and “International Narcotics  
13 Control and Law Enforcement” should not exceed 15 per-  
14 cent of the total resources pledged by all donors for cal-  
15 endar year 2003 for assistance for Kosovo as of March  
16 31, 2003: *Provided further*, That none of the funds made  
17 available under this Act for assistance for Kosovo shall  
18 be made available for large scale physical infrastructure  
19 reconstruction: *Provided further*, That of the funds made  
20 available under this heading for assistance for Kosovo,  
21 \$2,000,000 shall be made available for assistance to sup-  
22 port training programs for Kosovar women: *Provided fur-*  
23 *ther*, That of the funds made available under this heading  
24 for assistance for Bulgaria, \$5,000,000 shall be made  
25 available for full scope simulators to enhance safety at nu-

1 clear power plants: *Provided further*, That of the funds  
2 available under this heading for assistance for Serbia, an  
3 amount equal to the amount that the Secretary of State  
4 determines the Government of the Federal Republic of  
5 Yugoslavia, including the military of such government, has  
6 expended during calendar year 2002 to support the devel-  
7 opment or maintenance of parallel security structures in  
8 northern Kosovo, except those structures authorized under  
9 United Nations Security Council Resolution 1244, shall be  
10 withheld from obligation for assistance for such govern-  
11 ment: *Provided further*, That of the funds made available  
12 under this heading, \$750,000 shall be made available for  
13 regional programs and activities to promote reconciliation  
14 among ethnic groups within the former Yugoslavia.

15 (b) Funds appropriated under this heading or in prior  
16 appropriations Acts that are or have been made available  
17 for an Enterprise Fund may be deposited by such Fund  
18 in interest-bearing accounts prior to the Fund's disburse-  
19 ment of such funds for program purposes. The Fund may  
20 retain for such program purposes any interest earned on  
21 such deposits without returning such interest to the Treas-  
22 ury of the United States and without further appropria-  
23 tion by the Congress. Funds made available for Enterprise  
24 Funds shall be expended at the minimum rate necessary  
25 to make timely payment for projects and activities.

1       (c) Funds appropriated under this heading shall be  
2 considered to be economic assistance under the Foreign  
3 Assistance Act of 1961 for purposes of making available  
4 the administrative authorities contained in that Act for  
5 the use of economic assistance.

6       (d) With regard to funds appropriated under this  
7 heading for the economic revitalization program in Bosnia  
8 and Herzegovina, and local currencies generated by such  
9 funds (including the conversion of funds appropriated  
10 under this heading into currency used by Bosnia and  
11 Herzegovina as local currency and local currency returned  
12 or repaid under such program) the Administrator of the  
13 United States Agency for International Development shall  
14 provide written approval for grants and loans prior to the  
15 obligation and expenditure of funds for such purposes, and  
16 prior to the use of funds that have been returned or repaid  
17 to any lending facility or grantee.

18       (e) The provisions of section 529 of this Act shall  
19 apply to funds made available under subsection (d) and  
20 to funds appropriated under this heading: *Provided*, That  
21 notwithstanding any provision of this or any other Act,  
22 including provisions in this subsection regarding the appli-  
23 cation of section 529 of this Act, local currencies gen-  
24 erated by, or converted from, funds appropriated by this  
25 Act and by previous appropriations Acts and made avail-

1 able for the economic revitalization program in Bosnia  
 2 may be used in Eastern Europe and the Baltic States to  
 3 carry out the provisions of the Foreign Assistance Act of  
 4 1961 and the Support for East European Democracy  
 5 (SEED) Act of 1989.

6 (f) The President is authorized to withhold funds ap-  
 7 propriated under this heading made available for economic  
 8 revitalization programs in Bosnia and Herzegovina, if he  
 9 determines and certifies to the Committees on Appropria-  
 10 tions that the Federation of Bosnia and Herzegovina has  
 11 not complied with article III of annex 1–A of the General  
 12 Framework Agreement for Peace in Bosnia and  
 13 Herzegovina concerning the withdrawal of foreign forces,  
 14 and that intelligence cooperation on training, investiga-  
 15 tions, and related activities between state sponsors of ter-  
 16 rorism and terrorist organizations and Bosnian officials  
 17 has not been terminated.

18 ASSISTANCE FOR THE INDEPENDENT STATES OF THE  
 19 FORMER SOVIET UNION

20 (a) For necessary expenses to carry out the provisions  
 21 of chapters 11 and 12 of part I of the Foreign Assistance  
 22 Act of 1961 and the FREEDOM Support Act, for assist-  
 23 ance for the Independent States of the former Soviet  
 24 Union and for related programs, \$765,000,000, to remain  
 25 available until September 30, 2004: *Provided*, That the  
 26 provisions of such chapters shall apply to funds appro-

1 priated by this paragraph: *Provided further*, That of the  
 2 funds made available for the Southern Caucasus region,  
 3 notwithstanding any other provision of law, funds may be  
 4 used for confidence-building measures and other activities  
 5 in furtherance of the peaceful resolution of the regional  
 6 conflicts, especially those in the vicinity of Abkhazia and  
 7 Nagorno-Karabagh: *Provided further*, That of the funds  
 8 appropriated under this heading \$17,500,000 shall be  
 9 made available solely for the Russian Far East: *Provided*  
 10 *further*, That, notwithstanding any other provision of law,  
 11 funds appropriated under this heading in this Act or prior  
 12 Acts making appropriations for foreign operations, export  
 13 financing, or related programs, that are made available  
 14 pursuant to the provisions of section 807 of the FREE-  
 15 DOM Support Act (Public Law 102–511) shall be subject  
 16 to the ceiling on administrative expenses contained in sec-  
 17 tion 807(a)(5) of the FREEDOM Support Act.

18 (b) Of the funds appropriated under this heading, up  
 19 to \$155,000,000 may be made available for assistance for  
 20 Ukraine: *Provided*, That of this amount, not less than  
 21 \$30,000,000 shall be made available for nuclear reactor  
 22 safety initiatives and not less than \$3,000,000 shall be  
 23 made available for coal mine safety programs, including  
 24 mine ventilation and fire prevention and control.

1 (c) Of the funds appropriated under this heading, not  
2 less than \$90,000,000 shall be made available for assist-  
3 ance for Armenia.

4 (d) Of the funds appropriated under this heading,  
5 \$87,000,000 should be made available for assistance for  
6 Georgia.

7 (e)(1) Of the funds appropriated under this heading  
8 that are allocated for assistance for the Government of  
9 the Russian Federation, 60 percent shall be withheld from  
10 obligation until the President determines and certifies in  
11 writing to the Committees on Appropriations that the Gov-  
12 ernment of the Russian Federation:

13 (A) has terminated implementation of arrange-  
14 ments to provide Iran with technical expertise, train-  
15 ing, technology, or equipment necessary to develop a  
16 nuclear reactor, related nuclear research facilities or  
17 programs, or ballistic missile capability; and

18 (B) is providing unimpeded access to inter-  
19 national non-government organizations providing hu-  
20 manitarian relief to refugees and internally displaced  
21 persons in Chechnya.

22 (2) Paragraph (1) shall not apply to—

23 (A) assistance to combat infectious diseases,  
24 child survival activities, or assistance for victims of  
25 trafficking in persons; and

1           (B) activities authorized under title V (Non-  
2       proliferation and Disarmament Programs and Ac-  
3       tivities) of the FREEDOM Support Act.

4       (f) Section 907 of the FREEDOM Support Act shall  
5       not apply to—

6           (1) activities to support democracy or assist-  
7       ance under title V of the FREEDOM Support Act  
8       and section 1424 of Public Law 104–201 or non-  
9       proliferation assistance;

10          (2) any assistance provided by the Trade and  
11       Development Agency under section 661 of the For-  
12       eign Assistance Act of 1961 (22 U.S.C. 2421);

13          (3) any activity carried out by a member of the  
14       United States and Foreign Commercial Service while  
15       acting within his or her official capacity;

16          (4) any insurance, reinsurance, guarantee or  
17       other assistance provided by the Overseas Private  
18       Investment Corporation under title IV of chapter 2  
19       of part I of the Foreign Assistance Act of 1961 (22  
20       U.S.C. 2191 et seq.);

21          (5) any financing provided under the Export-  
22       Import Bank Act of 1945; or

23          (6) humanitarian assistance.

## INDEPENDENT AGENCIES

## INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$16,385,000, to remain available until September 30, 2004.

## AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, \$17,689,000, to remain available until September 30, 2004: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

## 1 PEACE CORPS

2 For necessary expenses to carry out the provisions  
3 of the Peace Corps Act (75 Stat. 612), \$285,000,000, in-  
4 cluding the purchase of not to exceed five passenger motor  
5 vehicles for administrative purposes for use outside of the  
6 United States: *Provided*, That none of the funds appro-  
7 priated under this heading shall be used to pay for abor-  
8 tions: *Provided further*, That funds appropriated under  
9 this heading shall remain available until September 30,  
10 2004.

## 11 DEPARTMENT OF STATE

## 12 INTERNATIONAL NARCOTICS CONTROL AND LAW

## 13 ENFORCEMENT

14 For necessary expenses to carry out section 481 of  
15 the Foreign Assistance Act of 1961, \$196,713,000, to re-  
16 main available until expended: *Provided*, That any funds  
17 made available under this heading for anti-crime programs  
18 and activities shall be made available subject to the reg-  
19 ular notification procedures of the Committees on Appro-  
20 priations: *Provided further*, That during fiscal year 2003,  
21 the Department of State may also use the authority of  
22 section 608 of the Foreign Assistance Act of 1961, with-  
23 out regard to its restrictions, to receive excess property  
24 from an agency of the United States Government for the  
25 purpose of providing it to a foreign country under chapter

1 8 of part I of that Act subject to the regular notification  
 2 procedures of the Committees on Appropriations: *Provided*  
 3 *further*, That of the funds appropriated under this head-  
 4 ing, up to \$20,000,000 should be made available for anti-  
 5 trafficking in persons programs, including trafficking pre-  
 6 vention, protection and assistance for victims, and pros-  
 7 ecution of traffickers: *Provided further*, That of the funds  
 8 appropriated under this heading, not more than  
 9 \$19,600,000 may be available for administrative expenses.

#### 10 ANDEAN COUNTERDRUG INITIATIVE

11 For necessary expenses to carry out section 481 of  
 12 the Foreign Assistance Act of 1961 solely to support  
 13 counterdrug activities in the Andean region of South  
 14 America, \$637,000,000, to remain available until ex-  
 15 pended: *Provided*, That in addition to the funds appro-  
 16 priated under this heading and subject to the regular noti-  
 17 fication procedures of the Committees on Appropriations,  
 18 the President may make available up to an additional  
 19 \$35,000,000 for the Andean Counterdrug Initiative, which  
 20 may be derived from funds appropriated under the head-  
 21 ing “International Narcotics Control and Law Enforce-  
 22 ment” in this Act and in prior Acts making appropriations  
 23 for foreign operations, export financing, and related pro-  
 24 grams: *Provided further*, That of the amount appropriated  
 25 under this heading, not less than \$215,000,000 shall be  
 26 apportioned directly to the United States Agency for

1 International Development, to be used for economic and  
2 social programs: *Provided further*, That of the funds ap-  
3 propriated under this heading and under the heading  
4 “Foreign Military Financing Program”, not less than  
5 \$5,000,000 shall be made available to train and equip a  
6 Colombian Armed Forces unit dedicated to apprehending  
7 the leaders of paramilitary organizations: *Provided further*,  
8 That of the funds made available for assistance for Colom-  
9 bia under this heading, not less than \$2,000,000 shall be  
10 made available for vehicles, equipment, and other assist-  
11 ance for the human rights unit of the Procurador General:  
12 *Provided further*, That funds appropriated by this Act that  
13 are used for the procurement of chemicals, equipment or  
14 services for aerial coca fumigation programs may be made  
15 available for such programs only if the Secretary of State,  
16 after consultation with the Administrator of the Environ-  
17 mental Protection Agency and, if appropriate, the Director  
18 of the Centers for Disease Control and Prevention, cer-  
19 tifies to the Committees on Appropriations that: (1) aerial  
20 coca fumigation is being carried out in accordance with  
21 regulatory controls required by the Environmental Protec-  
22 tion Agency for use in the United States and, after con-  
23 sultation with the Colombian Government, in accordance  
24 with Colombian laws and the Colombian Environmental  
25 Management Plan for aerial fumigation; (2) effective mon-

1 itoring and enforcement mechanisms are being utilized in  
2 Colombia to ensure compliance with such laws, regulatory  
3 controls and Plan; (3) the chemicals used in the aerial fu-  
4 migation of coca, in the manner in which they are being  
5 applied, do not pose unreasonable risks or adverse effects  
6 to humans or the environment; and (4) procedures are  
7 available to evaluate claims of local citizens that their  
8 health was harmed or their licit agricultural crops were  
9 damaged by such aerial coca fumigation, and to provide  
10 fair compensation for meritorious claims; and such funds  
11 may not be made available for such purposes unless alter-  
12 native development programs have been developed by the  
13 United States Agency for International Development and  
14 the Government of Colombia, in consultation with commu-  
15 nities and local authorities, in the departments in which  
16 such aerial coca fumigation is planned, and such programs  
17 are being implemented in the departments in which such  
18 aerial coca fumigation has been conducted: *Provided fur-*  
19 *ther*, That none of the funds appropriated by this Act may  
20 be made available to support a Peruvian air interdiction  
21 program until the Secretary of State and Director of Cen-  
22 tral Intelligence certify to the Congress, 30 days before  
23 any resumption of United States involvement in a Peru-  
24 vian air interdiction program, that an air interdiction pro-  
25 gram that permits the ability of the Peruvian Air Force

1 to shoot down aircraft will include effective safeguards and  
2 procedures to prevent the occurrence of any incident simi-  
3 lar to the April 20, 2001 incident: *Provided further*, That  
4 section 482(b) of the Foreign Assistance Act of 1961 shall  
5 not apply to funds appropriated under this heading: *Pro-*  
6 *vided further*, That assistance provided with funds appro-  
7 priated under this heading that is made available notwith-  
8 standing section 482(b) of the Foreign Assistance Act of  
9 1961, as amended, shall be made available subject to the  
10 regular notification procedures of the Committees on Ap-  
11 propriations: *Provided further*, That the provisions of sec-  
12 tion 3204(b) through (h) of Public Law 106–246, as  
13 amended by Public Law 107–115, shall be applicable to  
14 funds appropriated for fiscal year 2003: *Provided further*,  
15 That no United States Armed Forces personnel or United  
16 States civilian contractor employed by the United States  
17 will participate in any combat operation in connection with  
18 assistance made available by this Act: *Provided further*,  
19 That the President shall ensure that if any helicopter pro-  
20 cured with funds under this heading is used to aid or abet  
21 the operations of any illegal self-defense group or illegal  
22 security cooperative, such helicopter shall be immediately  
23 returned to the United States: *Provided further*, That of  
24 the funds appropriated under this heading, not less than  
25 \$3,500,000 shall be made available for assistance for the

1 Colombian National Park Service for training, equipment,  
 2 and other assistance to protect Colombia's national parks  
 3 and reserves: *Provided further*, That funds made available  
 4 under this heading shall be subject to the regular notifica-  
 5 tion procedures of the Committees on Appropriations: *Pro-*  
 6 *vided further*, That of the funds appropriated under this  
 7 heading, not more than \$14,240,000 may be available for  
 8 administrative expenses of the Department of State, and  
 9 not more than \$4,500,000 may be available for adminis-  
 10 trative expenses of the United States Agency for Inter-  
 11 national Development.

12 MIGRATION AND REFUGEE ASSISTANCE

13 For expenses, not otherwise provided for, necessary  
 14 to enable the Secretary of State to provide, as authorized  
 15 by law, a contribution to the International Committee of  
 16 the Red Cross, assistance to refugees, including contribu-  
 17 tions to the International Organization for Migration and  
 18 the United Nations High Commissioner for Refugees, and  
 19 other activities to meet refugee and migration needs; sala-  
 20 ries and expenses of personnel and dependents as author-  
 21 ized by the Foreign Service Act of 1980; allowances as  
 22 authorized by sections 5921 through 5925 of title 5,  
 23 United States Code; purchase and hire of passenger motor  
 24 vehicles; and services as authorized by section 3109 of title  
 25 5, United States Code, \$782,000,000, which shall remain  
 26 available until expended: *Provided*, That not more than

1 \$16,565,000 may be available for administrative expenses:  
 2 *Provided further*, That \$60,000,000 of the funds made  
 3 available under this heading shall be made available for  
 4 refugees from the former Soviet Union and Eastern Eu-  
 5 rope and other refugees resettling in Israel: *Provided fur-*  
 6 *ther*, That funds made available under this heading should  
 7 be made available to international organizations for assist-  
 8 ance for refugees from North Korea: *Provided further*,  
 9 That no later than 30 days after enactment of this Act,  
 10 the Secretary of State shall transmit to the Committees  
 11 on Appropriations a report in accordance with the direc-  
 12 tive contained under the heading “Protection of Inter-  
 13 national Humanitarian Relief Workers” in Senate Report  
 14 107–58.

15 UNITED STATES EMERGENCY REFUGEE AND MIGRATION  
 16 ASSISTANCE FUND

17 For necessary expenses to carry out the provisions  
 18 of section 2(c) of the Migration and Refugee Assistance  
 19 Act of 1962, as amended (22 U.S.C. 260(c)),  
 20 \$32,000,000, to remain available until expended: *Pro-*  
 21 *vided*, That the funds made available under this heading  
 22 are appropriated notwithstanding the provisions contained  
 23 in section 2(c)(2) of the Act which would limit the amount  
 24 of funds which could be appropriated for this purpose.

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1 and multilateral activities relating to nonproliferation and  
2 disarmament: *Provided further*, That such funds may also  
3 be used for such countries other than the Independent  
4 States of the former Soviet Union and international orga-  
5 nizations when it is in the national security interest of the  
6 United States to do so following consultation with the ap-  
7 propriate committees of Congress: *Provided further*, That  
8 funds appropriated under this heading may be made avail-  
9 able for the International Atomic Energy Agency only if  
10 the Secretary of State determines (and so reports to the  
11 Congress) that Israel is not being denied its right to par-  
12 ticipate in the activities of that Agency: *Provided further*,  
13 That of the funds appropriated under this heading,  
14 \$57,000,000 should be made available for demining and  
15 related activities, of which not to exceed \$675,000, in ad-  
16 dition to funds otherwise available for such purposes, may  
17 be used for administrative expenses related to the oper-  
18 ation and management of the demining program: *Provided*  
19 *further*, That of the funds appropriated under this head-  
20 ing, \$53,500,000 should be made available for a voluntary  
21 contribution to the International Atomic Energy Agency:  
22 *Provided further*, That of the funds appropriated under  
23 this heading, \$4,000,000 should be made available to sup-  
24 port the Small Arms Destruction Initiative.

## 1 DEPARTMENT OF THE TREASURY

## 2 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

3 For necessary expenses to carry out the provisions  
4 of section 129 of the Foreign Assistance Act of 1961 (re-  
5 lating to international affairs technical assistance activi-  
6 ties), \$10,500,000, to remain available until expended,  
7 which shall be available notwithstanding any other provi-  
8 sion of law.

## 9 DEBT RESTRUCTURING

10 For the cost, as defined in section 502 of the Con-  
11 gressional Budget Act of 1974, of modifying loans and  
12 loan guarantees, pursuant to the provisions of part V of  
13 the Foreign Assistance Act of 1961, the Tropical Forestry  
14 Conservation Act of 1998, \$40,000,000, to remain avail-  
15 able until September 30, 2004: *Provided*, That funds ap-  
16 propriated in this paragraph that are not obligated for the  
17 cost of modifying such loans and loan guarantees by June  
18 30, 2004, shall be transferred to and merged with funds  
19 appropriated by this Act under the heading “Development  
20 Assistance” and made available to carry out tropical forest  
21 conservation activities authorized by the Foreign Assist-  
22 ance Act of 1961.

## 1 TITLE III—MILITARY ASSISTANCE

## 2 FUNDS APPROPRIATED TO THE PRESIDENT

## 3 INTERNATIONAL MILITARY EDUCATION AND TRAINING

4 For necessary expenses to carry out the provisions  
5 of section 541 of the Foreign Assistance Act of 1961,  
6 \$80,000,000, of which up to \$3,000,000 may remain  
7 available until September 30, 2004: *Provided*, That the ci-  
8 vilian personnel for whom military education and training  
9 may be provided under this heading may include civilians  
10 who are not members of a government whose participation  
11 would contribute to improved civil-military relations, civil-  
12 ian control of the military, or respect for human rights:  
13 *Provided further*, That none of the funds appropriated  
14 under this heading may be made available for travel or  
15 other purposes that do not directly expose the individual  
16 participants to government officials or institutions or to  
17 other individuals or organizations engaged in activities in-  
18 volving public policy: *Provided further*, That funds appro-  
19 priated under this heading for military education and  
20 training for Guatemala may only be available for expanded  
21 international military education and training and funds  
22 made available for Algeria and Guatemala may only be  
23 provided through the regular notification procedures of the  
24 Committees on Appropriations.

## 1 FOREIGN MILITARY FINANCING PROGRAM

2 For expenses necessary for grants to enable the  
3 President to carry out the provisions of section 23 of the  
4 Arms Export Control Act, \$4,067,000,000: *Provided*, That  
5 of the funds appropriated under this heading,  
6 \$2,100,000,000 shall be available for grants only for  
7 Israel, and \$1,300,000,000 shall be made available for  
8 grants only for Egypt: *Provided further*, That the funds  
9 appropriated by this paragraph for Israel shall be dis-  
10 bursed within 30 days of the enactment of this Act or by  
11 October 31, 2002, whichever is later: *Provided further*,  
12 That to the extent that the Government of Israel requests  
13 that funds be used for such purposes, grants made avail-  
14 able for Israel by this paragraph shall, as agreed by Israel  
15 and the United States, be available for advanced weapons  
16 systems, of which \$550,000,000 shall be available for the  
17 procurement in Israel of defense articles and defense serv-  
18 ices, including research and development: *Provided further*,  
19 That of the funds appropriated by this paragraph,  
20 \$198,000,000 shall be made available for assistance for  
21 Jordan: *Provided further*, That of the funds appropriated  
22 by this paragraph, not less than \$3,000,000 shall be made  
23 available for assistance for Armenia: *Provided further*,  
24 That except as provided in the following proviso, none of  
25 the funds appropriated by this paragraph shall be made

1 available for helicopters and related support costs for Co-  
2 lombia: *Provided further*, That up to \$88,000,000 of the  
3 funds appropriated by this paragraph may be transferred  
4 to and merged with funds appropriated under the heading  
5 “International Narcotics Control and Law Enforcement”  
6 for helicopters, training and other assistance for the Co-  
7 lombian Armed Forces for security for the Cano Limon  
8 pipeline: *Provided further*, That funds appropriated by this  
9 paragraph shall be nonrepayable notwithstanding any re-  
10 quirement in section 23 of the Arms Export Control Act:  
11 *Provided further*, That funds made available under this  
12 paragraph shall be obligated upon apportionment in ac-  
13 cordance with paragraph (5)(C) of title 31, United States  
14 Code, section 1501(a).

15       None of the funds made available under this heading  
16 shall be available to finance the procurement of defense  
17 articles, defense services, or design and construction serv-  
18 ices that are not sold by the United States Government  
19 under the Arms Export Control Act unless the foreign  
20 country proposing to make such procurements has first  
21 signed an agreement with the United States Government  
22 specifying the conditions under which such procurements  
23 may be financed with such funds: *Provided*, That all coun-  
24 try and funding level increases in allocations shall be sub-  
25 mitted through the regular notification procedures of sec-

tion 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside

1 of the United States, for the general costs of admin-  
2 istering military assistance and sales: *Provided further*,  
3 That not more than \$350,000,000 of funds realized pursu-  
4 ant to section 21(e)(1)(A) of the Arms Export Control Act  
5 may be obligated for expenses incurred by the Department  
6 of Defense during fiscal year 2003 pursuant to section  
7 43(b) of the Arms Export Control Act, except that this  
8 limitation may be exceeded only through the regular notifi-  
9 cation procedures of the Committees on Appropriations:  
10 *Provided further*, That foreign military financing program  
11 funds estimated to be outlayed for Egypt during fiscal  
12 year 2003 shall be transferred to an interest bearing ac-  
13 count for Egypt in the Federal Reserve Bank of New York  
14 within 30 days of enactment of this Act or by October  
15 31, 2002, whichever is later.

16 PEACEKEEPING OPERATIONS

17 For necessary expenses to carry out the provisions  
18 of section 551 of the Foreign Assistance Act of 1961,  
19 \$125,250,000: *Provided*, That of the funds appropriated  
20 under this heading, not less than \$7,000,000 should be  
21 made available for assistance for Afghanistan: *Provided*  
22 *further*, That of the funds appropriated under this head-  
23 ing, not less than \$50,000,000 should be available for as-  
24 sistance for Africa Regional Peacekeeping Operations and  
25 the Africa Crisis Response Initiative: *Provided further*,  
26 That none of the funds appropriated under this heading

1 shall be obligated or expended except as provided through  
 2 the regular notification procedures of the Committees on  
 3 Appropriations.

4           TITLE IV—MULTILATERAL ECONOMIC  
 5                           ASSISTANCE

6           FUNDS APPROPRIATED TO THE PRESIDENT  
 7           INTERNATIONAL FINANCIAL INSTITUTIONS  
 8                           GLOBAL ENVIRONMENT FACILITY

9           For the United States contribution for the Global En-  
 10 vironment Facility, \$177,812,533, to the International  
 11 Bank for Reconstruction and Development as trustee for  
 12 the Global Environment Facility, by the Secretary of the  
 13 Treasury, to remain available until expended.

14          CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT  
 15                           ASSOCIATION

16          For payment to the International Development Asso-  
 17 ciation by the Secretary of the Treasury, \$837,338,333,  
 18 to remain available until expended: *Provided*, That in ne-  
 19 gotiating United States participation in the next replenish-  
 20 ment of the International Development Association, the  
 21 Secretary of the Treasury shall accord high priority to  
 22 providing the International Development Association with  
 23 the policy flexibility to provide new grant assistance to  
 24 countries eligible for debt reduction under the enhanced  
 25 HIPC Initiative.

## 1       CONTRIBUTION TO THE MULTILATERAL INVESTMENT

## 2                               GUARANTEE AGENCY

3       For payment to the Multilateral Investment Guar-  
4 antee Agency by the Secretary of the Treasury,  
5 \$2,631,000, for the United States paid-in share of the in-  
6 crease in capital stock, to remain available until expended.

## 7       LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

8       The United States Governor of the Multilateral In-  
9 vestment Guarantee Agency may subscribe without fiscal  
10 year limitation for the callable capital portion of the  
11 United States share of such capital stock in an amount  
12 not to exceed \$14,825,178.

## 13       CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT

## 14                               CORPORATION

15       For payment to the Inter-American Investment Cor-  
16 poration, by the Secretary of the Treasury, \$18,351,667,  
17 for the United States share of the increase in subscrip-  
18 tions to capital stock, to remain available until expended.

## 19       CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS

## 20                               MULTILATERAL INVESTMENT FUND

21       For payment to the Enterprise for the Americas Mul-  
22 tilateral Investment Fund by the Secretary of the Treas-  
23 ury, for the United States contribution to the fund,  
24 \$29,590,667, to remain available until expended.

1       CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

2       For the United States contribution by the Secretary  
3 of the Treasury to the increase in resources of the Asian  
4 Development Fund, as authorized by the Asian Develop-  
5 ment Bank Act, as amended, \$127,386,133, to remain  
6 available until expended.

7       CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

8       For payment to the African Development Bank by  
9 the Secretary of the Treasury, \$5,104,473, for the United  
10 States paid-in share of the increase in capital stock, to  
11 remain available until expended.

12       LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

13       The United States Governor of the African Develop-  
14 ment Bank may subscribe without fiscal year limitation  
15 for the callable capital portion of the United States share  
16 of such capital stock in an amount not to exceed  
17 \$79,602,688.

18       CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

19       For the United States contribution by the Secretary  
20 of the Treasury to the increase in resources of the African  
21 Development Fund, \$108,073,333, to remain available  
22 until expended.

23       CONTRIBUTION TO THE EUROPEAN BANK FOR

24               RECONSTRUCTION AND DEVELOPMENT

25       For payment to the European Bank for Reconstruct-  
26 tion and Development by the Secretary of the Treasury,

1 \$35,804,955 for the United States share of the paid-in  
 2 portion of the increase in capital stock, to remain available  
 3 until expended.

#### 4       LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

5       The United States Governor of the European Bank  
 6 for Reconstruction and Development may subscribe with-  
 7 out fiscal year limitation to the callable capital portion of  
 8 the United States share of such capital stock in an amount  
 9 not to exceed \$123,328,178.

#### 10       CONTRIBUTION TO THE INTERNATIONAL FUND FOR 11                   AGRICULTURAL DEVELOPMENT

12       For the United States contribution by the Secretary  
 13 of the Treasury to increase the resources of the Inter-  
 14 national Fund for Agricultural Development,  
 15 \$15,003,667, to remain available until expended.

#### 16       INTERNATIONAL ORGANIZATIONS AND PROGRAMS

17       For necessary expenses to carry out the provisions  
 18 of section 301 of the Foreign Assistance Act of 1961, and  
 19 of section 2 of the United Nations Environment Program  
 20 Participation Act of 1973, \$230,461,000: *Provided*, That  
 21 none of the funds appropriated under this heading may  
 22 be made available to the Korean Peninsula Energy Devel-  
 23 opment Organization or the International Atomic Energy  
 24 Agency: *Provided further*, That of the funds appropriated  
 25 under this heading, not less than \$50,000,000 shall be  
 26 made available for the United Nations Population Fund

1 and such funds shall be disbursed within 30 days of the  
 2 enactment of this Act or by October 31, 2002, whichever  
 3 is later: *Provided further*, That of the funds appropriated  
 4 under this heading, \$13,486,000 shall be made available  
 5 for the United Nations Environment Program: *Provided*  
 6 *further*, That of the funds appropriated under this head-  
 7 ing, a total of \$15,100,000 should be made available for  
 8 International Conservation Programs and the Inter-  
 9 national Panel on Climate Change/United Nations Frame-  
 10 work Convention on Climate Change: *Provided further*,  
 11 That of the funds appropriated under this heading, not  
 12 less than the following amounts should be made available  
 13 for the following programs: \$6,500,000 for Organization  
 14 of American States Democracy Assistance Programs,  
 15 \$3,500,000 for the Organization of American States Fund  
 16 for Strengthening Democracy, \$6,000,000 for the World  
 17 Food Program, \$2,000,000 for International Contribu-  
 18 tions for Scientific, Educational, and Cultural Activities,  
 19 and \$1,000,000 for the United Nations Center for Human  
 20 Settlements.

## 21 TITLE V—GENERAL PROVISIONS

### 22 OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

23 SEC. 501. Except for the appropriations entitled  
 24 “International Disaster Assistance”, and “United States  
 25 Emergency Refugee and Migration Assistance Fund”, not

1 more than 15 percent of any appropriation item made  
2 available by this Act shall be obligated during the last  
3 month of availability.

4 PRIVATE AND VOLUNTARY ORGANIZATIONS

5 SEC. 502. (a) None of the funds appropriated or oth-  
6 erwise made available by this Act for development assist-  
7 ance may be made available to any United States private  
8 and voluntary organization, except any cooperative devel-  
9 opment organization, which obtains less than 20 percent  
10 of its total annual funding for international activities from  
11 sources other than the United States Government: *Pro-*  
12 *vided*, That the Administrator of the United States Agen-  
13 cy for International Development, after informing the  
14 Committees on Appropriations, may, on a case-by-case  
15 basis, waive the restriction contained in this subsection,  
16 after taking into account the effectiveness of the overseas  
17 development activities of the organization, its level of vol-  
18 unteer support, its financial viability and stability, and the  
19 degree of its dependence for its financial support on the  
20 agency.

21 (b) Funds appropriated or otherwise made available  
22 under title II of this Act should be made available to pri-  
23 vate and voluntary organizations at a level which is at  
24 least equivalent to the level provided in fiscal year 1995.

## 1                   LIMITATION ON RESIDENCE EXPENSES

2           SEC. 503. Of the funds appropriated or made avail-  
3 able pursuant to this Act, not to exceed \$100,500 shall  
4 be for official residence expenses of the United States  
5 Agency for International Development during the current  
6 fiscal year: *Provided*, That appropriate steps shall be  
7 taken to assure that, to the maximum extent possible,  
8 United States-owned foreign currencies are utilized in lieu  
9 of dollars.

## 10                   LIMITATION ON EXPENSES

11          SEC. 504. Of the funds appropriated or made avail-  
12 able pursuant to this Act, not to exceed \$5,000 shall be  
13 for entertainment expenses of the United States Agency  
14 for International Development during the current fiscal  
15 year.

## 16                   LIMITATION ON REPRESENTATIONAL ALLOWANCES

17          SEC. 505. Of the funds appropriated or made avail-  
18 able pursuant to this Act, not to exceed \$125,000 shall  
19 be available for representation allowances for the United  
20 States Agency for International Development during the  
21 current fiscal year: *Provided*, That appropriate steps shall  
22 be taken to assure that, to the maximum extent possible,  
23 United States-owned foreign currencies are utilized in lieu  
24 of dollars: *Provided further*, That of the funds made avail-  
25 able by this Act for general costs of administering military  
26 assistance and sales under the heading “Foreign Military

1 Financing Program”, not to exceed \$2,000 shall be avail-  
 2 able for entertainment expenses and not to exceed  
 3 \$125,000 shall be available for representation allowances:  
 4 *Provided further*, That of the funds made available by this  
 5 Act under the heading “International Military Education  
 6 and Training”, not to exceed \$50,000 shall be available  
 7 for entertainment allowances: *Provided further*, That of  
 8 the funds made available by this Act for the Inter-Amer-  
 9 ican Foundation, not to exceed \$2,000 shall be available  
 10 for entertainment and representation allowances: *Provided*  
 11 *further*, That of the funds made available by this Act for  
 12 the Peace Corps, not to exceed a total of \$4,000 shall be  
 13 available for entertainment expenses: *Provided further*,  
 14 That of the funds made available by this Act under the  
 15 heading “Trade and Development Agency”, not to exceed  
 16 \$2,000 shall be available for representation and entertain-  
 17 ment allowances.

18 PROHIBITION ON FINANCING NUCLEAR GOODS

19 SEC. 506. None of the funds appropriated or made  
 20 available (other than funds for “Nonproliferation, Anti-  
 21 terrorism, Demining and Related Programs”) pursuant to  
 22 this Act, for carrying out the Foreign Assistance Act of  
 23 1961, may be used, except for purposes of nuclear safety,  
 24 to finance the export of nuclear equipment, fuel, or tech-  
 25 nology.

1 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN  
2 COUNTRIES

3 SEC. 507. None of the funds appropriated or other-  
4 wise made available pursuant to this Act shall be obligated  
5 or expended to finance directly any assistance or repara-  
6 tions to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or  
7 Syria: *Provided*, That for purposes of this section, the pro-  
8 hibition on obligations or expenditures shall include direct  
9 loans, credits, insurance and guarantees of the Export-Im-  
10 port Bank or its agents.

11 MILITARY COUPS

12 SEC. 508. None of the funds appropriated or other-  
13 wise made available pursuant to this Act shall be obligated  
14 or expended to finance directly any assistance to the gov-  
15 ernment of any country whose duly elected head of govern-  
16 ment is deposed by decree or military coup: *Provided*, That  
17 assistance may be resumed to such government if the  
18 President determines and certifies to the Committees on  
19 Appropriations that subsequent to the termination of as-  
20 sistance a democratically elected government has taken of-  
21 fice: *Provided further*, That the provisions of this section  
22 shall not apply to assistance to promote democratic elec-  
23 tions or public participation in democratic processes: *Pro-*  
24 *vided further*, That funds made available pursuant to the  
25 previous provisos shall be subject to the regular notifica-  
26 tion procedures of the Committees on Appropriations.

## 1 TRANSFERS BETWEEN ACCOUNTS

2 SEC. 509. None of the funds made available by this  
3 Act may be obligated under an appropriation account to  
4 which they were not appropriated, except for transfers  
5 specifically provided for in this Act, unless the President,  
6 prior to the exercise of any authority contained in the For-  
7 eign Assistance Act of 1961 to transfer funds, consults  
8 with and provides a written policy justification to the  
9 Committees on Appropriations.

## 10 DEOBLIGATION/REOBLIGATION AUTHORITY

11 SEC. 510. Obligated balances of funds appropriated  
12 to carry out section 23 of the Arms Export Control Act  
13 as of the end of the fiscal year immediately preceding the  
14 current fiscal year are, if deobligated, hereby continued  
15 available during the current fiscal year for the same pur-  
16 pose under any authority applicable to such appropriations  
17 under this Act: *Provided*, That the authority of this sec-  
18 tion may not be used in fiscal year 2003.

## 19 AVAILABILITY OF FUNDS

20 SEC. 511. No part of any appropriation contained in  
21 this Act shall remain available for obligation after the ex-  
22 piration of the current fiscal year unless expressly so pro-  
23 vided in this Act: *Provided*, That funds appropriated for  
24 the purposes of chapters 1, 8, 11, and 12 of part I, section  
25 667, chapter 4 of part II of the Foreign Assistance Act  
26 of 1961, as amended, section 23 of the Arms Export Con-

1 trol Act, and funds provided under the heading “Assist-  
 2 ance for Eastern Europe and the Baltic States”, shall re-  
 3 main available for an additional four years from the date  
 4 on which the availability of such funds would otherwise  
 5 have expired, if such funds are initially obligated before  
 6 the expiration of their respective periods of availability  
 7 contained in this Act: *Provided further*, That, notwith-  
 8 standing any other provision of this Act, any funds made  
 9 available for the purposes of chapter 1 of part I and chap-  
 10 ter 4 of part II of the Foreign Assistance Act of 1961  
 11 which are allocated or obligated for cash disbursements  
 12 in order to address balance of payments or economic policy  
 13 reform objectives, shall remain available until expended.

14 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

15 SEC. 512. No part of any appropriation contained in  
 16 this Act shall be used to furnish assistance to the govern-  
 17 ment of any country which is in default during a period  
 18 in excess of one calendar year in payment to the United  
 19 States of principal or interest on any loan made to the  
 20 government of such country by the United States pursuant  
 21 to an assistance program for which funds are appropriated  
 22 under this Act unless the Secretary of State determines,  
 23 following consultations with the Committees on Appropria-  
 24 tions, that assistance to such country is in the national  
 25 interest of the United States.

## 1 COMMERCE AND TRADE

2 SEC. 513. (a) None of the funds appropriated or  
3 made available pursuant to this Act for direct assistance  
4 and none of the funds otherwise made available pursuant  
5 to this Act to the Export-Import Bank and the Overseas  
6 Private Investment Corporation shall be obligated or ex-  
7 pended to finance any loan, any assistance or any other  
8 financial commitments for establishing or expanding pro-  
9 duction of any commodity for export by any country other  
10 than the United States, if the commodity is likely to be  
11 in surplus on world markets at the time the resulting pro-  
12 ductive capacity is expected to become operative and if the  
13 assistance will cause substantial injury to United States  
14 producers of the same, similar, or competing commodity:  
15 *Provided*, That such prohibition shall not apply to the Ex-  
16 port-Import Bank if in the judgment of its Board of Direc-  
17 tors the benefits to industry and employment in the  
18 United States are likely to outweigh the injury to United  
19 States producers of the same, similar, or competing com-  
20 modity, and the Chairman of the Board so notifies the  
21 Committees on Appropriations.

22 (b) None of the funds appropriated by this or any  
23 other Act to carry out chapter 1 of part I of the Foreign  
24 Assistance Act of 1961 shall be available for any testing  
25 or breeding feasibility study, variety improvement or intro-

1 duction, consultancy, publication, conference, or training  
 2 in connection with the growth or production in a foreign  
 3 country of an agricultural commodity for export which  
 4 would compete with a similar commodity grown or pro-  
 5 duced in the United States: *Provided*, That this subsection  
 6 shall not prohibit—

- 7           (1) activities designed to increase food security  
 8           in developing countries where such activities will not  
 9           have a significant impact in the export of agricul-  
 10          tural commodities of the United States; or  
 11           (2) research activities intended primarily to  
 12          benefit American producers.

13                                   SURPLUS COMMODITIES

14          SEC. 514. The Secretary of the Treasury shall in-  
 15          struct the United States Executive Directors of the Inter-  
 16          national Bank for Reconstruction and Development, the  
 17          International Development Association, the International  
 18          Finance Corporation, the Inter-American Development  
 19          Bank, the International Monetary Fund, the Asian Devel-  
 20          opment Bank, the Inter-American Investment Corpora-  
 21          tion, the North American Development Bank, the Euro-  
 22          pean Bank for Reconstruction and Development, the Afri-  
 23          can Development Bank, and the African Development  
 24          Fund to use the voice and vote of the United States to  
 25          oppose any assistance by these institutions, using funds  
 26          appropriated or made available pursuant to this Act, for

1 the production or extraction of any commodity or mineral  
2 for export, if it is in surplus on world markets and if the  
3 assistance will cause substantial injury to United States  
4 producers of the same, similar, or competing commodity.

5 NOTIFICATION REQUIREMENTS

6 SEC. 515. For the purposes of providing the executive  
7 branch with the necessary administrative flexibility, none  
8 of the funds made available under this Act for “Child Sur-  
9 vival and Health Programs Fund”, “Development Assist-  
10 ance”, “International Organizations and Programs”,  
11 “Trade and Development Agency”, “International Nar-  
12 cotics Control and Law Enforcement”, “Andean  
13 Counterdrug Initiative”, “Assistance for Eastern Europe  
14 and the Baltic States”, “Assistance for the Independent  
15 States of the Former Soviet Union”, “Economic Support  
16 Fund”, “Peacekeeping Operations”, “Operating Expenses  
17 of the United States Agency for International Develop-  
18 ment”, “Operating Expenses of the United States Agency  
19 for International Development Office of Inspector Gen-  
20 eral”, “Nonproliferation, Anti-terrorism, Demining and  
21 Related Programs”, “Foreign Military Financing Pro-  
22 gram”, “International Military Education and Training”,  
23 “Peace Corps”, and “Migration and Refugee Assistance”,  
24 shall be available for obligation for activities, programs,  
25 projects, type of materiel assistance, countries, or other  
26 operations not justified or in excess of the amount justi-

1 fied to the Appropriations Committees for obligation  
2 under any of these specific headings unless the Appropria-  
3 tions Committees of both Houses of Congress are pre-  
4 viously notified 15 days in advance: *Provided*, That the  
5 President shall not enter into any commitment of funds  
6 appropriated for the purposes of section 23 of the Arms  
7 Export Control Act for the provision of major defense  
8 equipment, other than conventional ammunition, or other  
9 major defense items defined to be aircraft, ships, missiles,  
10 or combat vehicles, not previously justified to Congress or  
11 20 percent in excess of the quantities justified to Congress  
12 unless the Committees on Appropriations are notified 15  
13 days in advance of such commitment: *Provided further*,  
14 That this section shall not apply to any reprogramming  
15 for an activity, program, or project under chapter 1 of  
16 part I of the Foreign Assistance Act of 1961 of less than  
17 10 percent of the amount previously justified to the Con-  
18 gress for obligation for such activity, program, or project  
19 for the current fiscal year: *Provided further*, That the re-  
20 quirements of this section or any similar provision of this  
21 Act or any other Act, including any prior Act requiring  
22 notification in accordance with the regular notification  
23 procedures of the Committees on Appropriations, may be  
24 waived if failure to do so would pose a substantial risk  
25 to human health or welfare: *Provided further*, That in case

1 of any such waiver, notification to the Congress, or the  
 2 appropriate congressional committees, shall be provided as  
 3 early as practicable, but in no event later than 3 days after  
 4 taking the action to which such notification requirement  
 5 was applicable, in the context of the circumstances neces-  
 6 sitating such waiver: *Provided further*, That any notifica-  
 7 tion provided pursuant to such a waiver shall contain an  
 8 explanation of the emergency circumstances.

9           LIMITATION ON AVAILABILITY OF FUNDS FOR  
 10          INTERNATIONAL ORGANIZATIONS AND PROGRAMS

11          SEC. 516. Subject to the regular notification proce-  
 12 dures of the Committees on Appropriations, funds appro-  
 13 priated under this Act or any previously enacted Act mak-  
 14 ing appropriations for foreign operations, export financ-  
 15 ing, and related programs, which are returned or not made  
 16 available for organizations and programs because of the  
 17 implementation of section 307(a) of the Foreign Assist-  
 18 ance Act of 1961, shall remain available for obligation  
 19 until September 30, 2004.

20          INDEPENDENT STATES OF THE FORMER SOVIET UNION

21          SEC. 517. (a) None of the funds appropriated under  
 22 the heading “Assistance for the Independent States of the  
 23 Former Soviet Union” shall be made available for assist-  
 24 ance for a government of an Independent State of the  
 25 former Soviet Union—

1           (1) unless that government is making progress  
2       in implementing comprehensive economic reforms  
3       based on market principles, private ownership, re-  
4       spect for commercial contracts, and equitable treat-  
5       ment of foreign private investment; and

6           (2) if that government applies or transfers  
7       United States assistance to any entity for the pur-  
8       pose of expropriating or seizing ownership or control  
9       of assets, investments, or ventures.

10 Assistance may be furnished without regard to this sub-  
11 section if the President determines that to do so is in the  
12 national interest.

13       (b) None of the funds appropriated under the heading  
14 “Assistance for the Independent States of the Former So-  
15 viet Union” shall be made available for assistance for a  
16 government of an Independent State of the former Soviet  
17 Union if that government directs any action in violation  
18 of the territorial integrity or national sovereignty of any  
19 other Independent State of the former Soviet Union, such  
20 as those violations included in the Helsinki Final Act: *Pro-*  
21 *vided*, That such funds may be made available without re-  
22 gard to the restriction in this subsection if the President  
23 determines that to do so is in the national security interest  
24 of the United States.

1       (c) None of the funds appropriated under the heading  
2   “Assistance for the Independent States of the Former So-  
3   viet Union” shall be made available for any state to en-  
4   hance its military capability: *Provided*, That this restric-  
5   tion does not apply to demilitarization, demining or non-  
6   proliferation programs.

7       (d) Funds appropriated under the heading “Assist-  
8   ance for the Independent States of the Former Soviet  
9   Union” for the Russian Federation, Armenia, Georgia,  
10   and Ukraine shall be subject to the regular notification  
11   procedures of the Committees on Appropriations.

12       (e) Funds made available in this Act for assistance  
13   for the Independent States of the former Soviet Union  
14   shall be subject to the provisions of section 117 (relating  
15   to environment and natural resources) of the Foreign As-  
16   sistance Act of 1961.

17       (f) Funds appropriated in this or prior appropriations  
18   Acts that are or have been made available for an Enter-  
19   prise Fund in the Independent States of the Former So-  
20   viet Union may be deposited by such Fund in interest-  
21   bearing accounts prior to the disbursement of such funds  
22   by the Fund for program purposes. The Fund may retain  
23   for such program purposes any interest earned on such  
24   deposits without returning such interest to the Treasury  
25   of the United States and without further appropriation by

1 the Congress. Funds made available for Enterprise Funds  
2 shall be expended at the minimum rate necessary to make  
3 timely payment for projects and activities.

4 (g) In issuing new task orders, entering into con-  
5 tracts, or making grants, with funds appropriated in this  
6 Act or prior appropriations Acts under the heading “As-  
7 sistance for the Independent States of the Former Soviet  
8 Union” and under comparable headings in prior appro-  
9 priations Acts, for projects or activities that have as one  
10 of their primary purposes the fostering of private sector  
11 development, the Coordinator for United States Assistance  
12 to the New Independent States and the implementing  
13 agency shall encourage the participation of and give sig-  
14 nificant weight to contractors and grantees who propose  
15 investing a significant amount of their own resources (in-  
16 cluding volunteer services and in-kind contributions) in  
17 such projects and activities.

18 EXPORT FINANCING TRANSFER AUTHORITIES

19 SEC. 518. Not to exceed 5 percent of any appropria-  
20 tion other than for administrative expenses made available  
21 for fiscal year 2003, for programs under title I of this  
22 Act may be transferred between such appropriations for  
23 use for any of the purposes, programs, and activities for  
24 which the funds in such receiving account may be used,  
25 but no such appropriation, except as otherwise specifically  
26 provided, shall be increased by more than 25 percent by

1 any such transfer: *Provided*, That the exercise of such au-  
 2 thority shall be subject to the regular notification proce-  
 3 dures of the Committees on Appropriations.

4 SPECIAL NOTIFICATION REQUIREMENTS

5 SEC. 519. None of the funds appropriated by this Act  
 6 shall be obligated or expended for Colombia, Haiti, Libe-  
 7 ria, Serbia, Sudan, Zimbabwe, Nigeria, Pakistan, or the  
 8 Democratic Republic of the Congo except as provided  
 9 through the regular notification procedures of the Com-  
 10 mittees on Appropriations.

11 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

12 SEC. 520. For the purpose of this Act, “program,  
 13 project, and activity” shall be defined at the appropria-  
 14 tions Act account level and shall include all appropriations  
 15 and authorizations Acts earmarks, ceilings, and limita-  
 16 tions with the exception that for the following accounts:  
 17 Economic Support Fund and Foreign Military Financing  
 18 Program, “program, project, and activity” shall also be  
 19 considered to include country, regional, and central pro-  
 20 gram level funding within each such account; for the devel-  
 21 opment assistance accounts of the United States Agency  
 22 for International Development “program, project, and ac-  
 23 tivity” shall also be considered to include central program  
 24 level funding, either as: (1) justified to the Congress; or  
 25 (2) allocated by the executive branch in accordance with  
 26 a report, to be provided to the Committees on Appropria-

1 tions within 30 days of the enactment of this Act, as re-  
 2 quired by section 653(a) of the Foreign Assistance Act  
 3 of 1961.

4 CHILD SURVIVAL AND HEALTH ACTIVITIES

5 SEC. 521. Up to \$15,500,000 of the funds made  
 6 available by this Act for assistance under the heading  
 7 “Child Survival and Health Programs Fund”, may be  
 8 used to reimburse United States Government agencies,  
 9 agencies of State governments, institutions of higher  
 10 learning, and private and voluntary organizations for the  
 11 full cost of individuals (including for the personal services  
 12 of such individuals) detailed or assigned to, or contracted  
 13 by, as the case may be, the United States Agency for  
 14 International Development for the purpose of carrying out  
 15 activities under that heading: *Provided*, That up to  
 16 \$3,500,000 of the funds made available by this Act for  
 17 assistance under the heading “Development Assistance”  
 18 may be used to reimburse such agencies, institutions, and  
 19 organizations for such costs of such individuals carrying  
 20 out other development assistance activities: *Provided fur-*  
 21 *ther*, That funds appropriated by this Act that are made  
 22 available for child survival activities or health programs  
 23 including activities relating to research on, and the preven-  
 24 tion, treatment and control of, HIV/AIDS may be made  
 25 available notwithstanding any other provision of law: *Pro-*  
 26 *vided further*, That funds appropriated under title II of

1 this Act may be made available pursuant to section 301  
2 of the Foreign Assistance Act of 1961 if a primary pur-  
3 pose of the assistance is for child survival and related pro-  
4 grams: *Provided further*, That of the funds appropriated  
5 under title II of this Act, \$450,000,000 shall be made  
6 available for family planning/reproductive health.

7 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

8 SEC. 522. Prior to providing excess Department of  
9 Defense articles in accordance with section 516(a) of the  
10 Foreign Assistance Act of 1961, the Department of De-  
11 fense shall notify the Committees on Appropriations to the  
12 same extent and under the same conditions as are other  
13 committees pursuant to subsection (f) of that section: *Pro-*  
14 *vided*, That before issuing a letter of offer to sell excess  
15 defense articles under the Arms Export Control Act, the  
16 Department of Defense shall notify the Committees on  
17 Appropriations in accordance with the regular notification  
18 procedures of such Committees if such defense articles are  
19 significant military equipment (as defined in section 47(9)  
20 of the Arms Export Control Act) or are valued (in terms  
21 of original acquisition cost) at \$7,000,000 or more, or if  
22 notification is required elsewhere in this Act for the use  
23 of appropriated funds for specific countries that would re-  
24 ceive such excess defense articles: *Provided further*, That  
25 such Committees shall also be informed of the original ac-  
26 quisition cost of such defense articles.

## 1 AUTHORIZATION REQUIREMENT

2 SEC. 523. Funds appropriated by this Act, except  
3 funds appropriated under the headings “Peace Corps” and  
4 “Trade and Development Agency”, may be obligated and  
5 expended notwithstanding section 10 of Public Law 91–  
6 672 and section 15 of the State Department Basic Au-  
7 thorities Act of 1956.

## 8 DEMOCRACY PROGRAMS

9 SEC. 524. (a) Notwithstanding any other provision  
10 of law, of the funds appropriated by this Act to carry out  
11 the provisions of chapter 4 of part II of the Foreign As-  
12 sistance Act of 1961, not less than \$25,000,000 shall be  
13 made available for assistance for activities to support de-  
14 mocracy, human rights, and the rule of law in the People’s  
15 Republic of China, Hong Kong and Tibet, of which not  
16 less than \$15,000,000 shall be made available for the  
17 Human Rights and Democracy Fund of the Bureau of De-  
18 mocracy, Human Rights and Labor, Department of State,  
19 for such activities in the People’s Republic of China: *Pro-*  
20 *vided*, That not to exceed \$3,000,000 may be made avail-  
21 able to nongovernmental organizations to support activi-  
22 ties which preserve cultural traditions and promote sus-  
23 tainable development and environmental conservation in  
24 Tibetan communities in Tibet: *Provided further*, That  
25 funds appropriated by this Act that are provided to the  
26 National Endowment for Democracy may be made avail-

1 able notwithstanding any other provision of law or regula-  
2 tion: *Provided further*, That funds made available pursu-  
3 ant to the authority of this subsection shall be subject to  
4 the regular notification procedures of the Committees on  
5 Appropriations.

6 (b) In addition to the funds made available in sub-  
7 section (a), of the funds appropriated by this Act under  
8 the heading “Economic Support Fund” not less than  
9 \$15,000,000 shall be made available for programs and ac-  
10 tivities to foster democracy, human rights, women’s devel-  
11 opment, press freedoms, and the rule of law in countries  
12 with a significant Muslim population, and where such pro-  
13 grams and activities would be important to United States  
14 efforts to respond to, deter, or prevent acts of inter-  
15 national terrorism: *Provided*, That funds made available  
16 pursuant to the authority of this subsection should sup-  
17 port new initiatives or bolster ongoing programs and ac-  
18 tivities in those countries: *Provided further*, That of this  
19 amount, not less than \$10,000,000 shall be made available  
20 for the Human Rights and Democracy Fund of the Bu-  
21 reau of Democracy, Human Rights and Labor, Depart-  
22 ment of State, and not less than \$3,000,000 shall be made  
23 available for programs and activities that provide profes-  
24 sional training for journalists: *Provided further*, That  
25 funds made available pursuant to this subsection shall be

1 subject to the regular notification procedures of the Com-  
 2 mittees on Appropriations.

3 (c) Funds made available under this section that are  
 4 made available for the Human Rights and Democracy  
 5 Fund of the Bureau of Democracy, Human Rights, and  
 6 Labor, Department of State, are in addition to the  
 7 \$12,000,000 requested by the President for the Fund for  
 8 fiscal year 2003.

9 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST  
 10 COUNTRIES

11 SEC. 525. (a) Funds appropriated for bilateral assist-  
 12 ance under any heading of this Act and funds appro-  
 13 priated under any such heading in a provision of law en-  
 14 acted prior to the enactment of this Act, shall not be made  
 15 available to the government of any country which the  
 16 President determines—

17 (1) grants sanctuary from prosecution to any  
 18 individual or group which has committed an act of  
 19 international terrorism; or

20 (2) otherwise supports international terrorism.

21 (b) The President may waive the application of sub-  
 22 section (a) to the government of a country if the President  
 23 determines that national security or humanitarian reasons  
 24 justify such waiver. At least 15 days before the waiver  
 25 takes effect, the President shall notify the Committees on  
 26 Appropriations of the waiver (including the justification

1 for the waiver) in accordance with the regular notification  
2 procedures of the Committees on Appropriations.

3 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-  
4 MENTS THAT EXPORT LETHAL MILITARY EQUIP-  
5 MENT TO COUNTRIES SUPPORTING INTERNATIONAL  
6 TERRORISM

7 SEC. 526. (a) None of the funds appropriated or oth-  
8 erwise made available by this Act may be available to any  
9 foreign government which provides lethal military equip-  
10 ment to a country the government of which the Secretary  
11 of State has determined is a terrorist government for pur-  
12 poses of section 6(j) of the Export Administration Act.  
13 The prohibition under this section with respect to a for-  
14 eign government shall terminate 12 months after that gov-  
15 ernment ceases to provide such military equipment. This  
16 section applies with respect to lethal military equipment  
17 provided under a contract entered into after October 1,  
18 1997.

19 (b) Assistance restricted by subsection (a) or any  
20 other similar provision of law, may be furnished if the  
21 President determines that furnishing such assistance is  
22 important to the national interests of the United States.

23 (c) Whenever the waiver of subsection (b) is exer-  
24 cised, the President shall submit to the appropriate con-  
25 gressional committees a report with respect to the fur-  
26 nishing of such assistance. Any such report shall include

1 a detailed explanation of the assistance to be provided, in-  
2 cluding the estimated dollar amount of such assistance,  
3 and an explanation of how the assistance furthers United  
4 States national interests.

5 DEBT-FOR-DEVELOPMENT

6 SEC. 527. In order to enhance the continued partici-  
7 pation of nongovernmental organizations in economic as-  
8 sistance activities under the Foreign Assistance Act of  
9 1961, including endowments, debt-for-development and  
10 debt-for-nature exchanges, a nongovernmental organiza-  
11 tion which is a grantee or contractor of the United States  
12 Agency for International Development may place in inter-  
13 est bearing accounts funds made available under this Act  
14 or prior Acts or local currencies which accrue to that orga-  
15 nization as a result of economic assistance provided under  
16 title II of this Act and any interest earned on such invest-  
17 ment shall be used for the purpose for which the assist-  
18 ance was provided to that organization.

19 SEPARATE ACCOUNTS

20 SEC. 528. (a) SEPARATE ACCOUNTS FOR LOCAL  
21 CURRENCIES.—(1) If assistance is furnished to the gov-  
22 ernment of a foreign country under chapters 1 and 10 of  
23 part I or chapter 4 of part II of the Foreign Assistance  
24 Act of 1961 under agreements which result in the genera-  
25 tion of local currencies of that country, the Administrator

1 of the United States Agency for International Develop-  
2 ment shall—

3 (A) require that local currencies be deposited in  
4 a separate account established by that government;

5 (B) enter into an agreement with that govern-  
6 ment which sets forth—

7 (i) the amount of the local currencies to be  
8 generated; and

9 (ii) the terms and conditions under which  
10 the currencies so deposited may be utilized, con-  
11 sistent with this section; and

12 (C) establish by agreement with that govern-  
13 ment the responsibilities of the United States Agen-  
14 cy for International Development and that govern-  
15 ment to monitor and account for deposits into and  
16 disbursements from the separate account.

17 (2) USES OF LOCAL CURRENCIES.—As may be  
18 agreed upon with the foreign government, local currencies  
19 deposited in a separate account pursuant to subsection  
20 (a), or an equivalent amount of local currencies, shall be  
21 used only—

22 (A) to carry out chapter 1 or 10 of part I or  
23 chapter 4 of part II (as the case may be), for such  
24 purposes as—

1 (i) project and sector assistance activities;

2 or

3 (ii) debt and deficit financing; or

4 (B) for the administrative requirements of the  
5 United States Government.

6 (3) PROGRAMMING ACCOUNTABILITY.—The United  
7 States Agency for International Development shall take all  
8 necessary steps to ensure that the equivalent of the local  
9 currencies disbursed pursuant to subsection (a)(2)(A)  
10 from the separate account established pursuant to sub-  
11 section (a)(1) are used for the purposes agreed upon pur-  
12 suant to subsection (a)(2).

13 (4) TERMINATION OF ASSISTANCE PROGRAMS.—  
14 Upon termination of assistance to a country under chapter  
15 1 or 10 of part I or chapter 4 of part II (as the case  
16 may be), any unencumbered balances of funds which re-  
17 main in a separate account established pursuant to sub-  
18 section (a) shall be disposed of for such purposes as may  
19 be agreed to by the government of that country and the  
20 United States Government.

21 (5) REPORTING REQUIREMENT.—The Administrator  
22 of the United States Agency for International Develop-  
23 ment shall report on an annual basis as part of the jus-  
24 tification documents submitted to the Committees on Ap-  
25 propriations on the use of local currencies for the adminis-

1 trative requirements of the United States Government as  
2 authorized in subsection (a)(2)(B), and such report shall  
3 include the amount of local currency (and United States  
4 dollar equivalent) used and/or to be used for such purpose  
5 in each applicable country.

6 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

7 (1) If assistance is made available to the government of  
8 a foreign country, under chapter 1 or 10 of part I or chap-  
9 ter 4 of part II of the Foreign Assistance Act of 1961,  
10 as cash transfer assistance or as nonproject sector assist-  
11 ance, that country shall be required to maintain such  
12 funds in a separate account and not commingle them with  
13 any other funds.

14 (2) APPLICABILITY OF OTHER PROVISIONS OF  
15 LAW.—Such funds may be obligated and expended not-  
16 withstanding provisions of law which are inconsistent with  
17 the nature of this assistance including provisions which  
18 are referenced in the Joint Explanatory Statement of the  
19 Committee of Conference accompanying House Joint Res-  
20 olution 648 (House Report No. 98–1159).

21 (3) NOTIFICATION.—At least 15 days prior to obli-  
22 gating any such cash transfer or nonproject sector assist-  
23 ance, the President shall submit a notification through the  
24 regular notification procedures of the Committees on Ap-  
25 propriations, which shall include a detailed description of

1 how the funds proposed to be made available will be used,  
 2 with a discussion of the United States interests that will  
 3 be served by the assistance (including, as appropriate, a  
 4 description of the economic policy reforms that will be pro-  
 5 moted by such assistance).

6 (4) EXEMPTION.—Nonproject sector assistance funds  
 7 may be exempt from the requirements of subsection (b)(1)  
 8 only through the notification procedures of the Commit-  
 9 tees on Appropriations.

10 COMPENSATION FOR UNITED STATES EXECUTIVE  
 11 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

12 SEC. 529. (a) No funds appropriated by this Act may  
 13 be made as payment to any international financial institu-  
 14 tion while the United States Executive Director to such  
 15 institution is compensated by the institution at a rate  
 16 which, together with whatever compensation such Director  
 17 receives from the United States, is in excess of the rate  
 18 provided for an individual occupying a position at level IV  
 19 of the Executive Schedule under section 5315 of title 5,  
 20 United States Code, or while any alternate United States  
 21 Director to such institution is compensated by the institu-  
 22 tion at a rate in excess of the rate provided for an indi-  
 23 vidual occupying a position at level V of the Executive  
 24 Schedule under section 5316 of title 5, United States  
 25 Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST  
IRAQ

SEC. 530. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

1   AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN  
2   FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

3       SEC. 531. Unless expressly provided to the contrary,  
4   provisions of this or any other Act, including provisions  
5   contained in prior Acts authorizing or making appropria-  
6   tions for foreign operations, export financing, and related  
7   programs, shall not be construed to prohibit activities au-  
8   thorized by or conducted under the Peace Corps Act, the  
9   Inter-American Foundation Act or the African Develop-  
10   ment Foundation Act. The agency shall promptly report  
11   to the Committees on Appropriations whenever it is con-  
12   ducting activities or is proposing to conduct activities in  
13   a country for which assistance is prohibited.

14           IMPACT ON JOBS IN THE UNITED STATES

15       SEC. 532. None of the funds appropriated by this Act  
16   may be obligated or expended to provide—

17           (a) any financial incentive to a business enter-  
18        prise currently located in the United States for the  
19        purpose of inducing such an enterprise to relocate  
20        outside the United States if such incentive or in-  
21        ducement is likely to reduce the number of employ-  
22        ees of such business enterprise in the United States  
23        because United States production is being replaced  
24        by such enterprise outside the United States; or

25           (b) assistance for any program, project, or ac-  
26        tivity that contributes to the violation of internation-

1 ally recognized workers rights, as defined in section  
 2 507(4)(E) of the Trade Act of 1974, of workers in  
 3 the recipient country, including any designated zone  
 4 or area in that country: *Provided*, That the applica-  
 5 tion of section 507(4)(E) of such Act should be com-  
 6 mensurate with the level of development of the re-  
 7 cipient country and sector, and shall not preclude  
 8 assistance for the informal sector in such country,  
 9 micro and small-scale enterprise, and smallholder  
 10 agriculture.

#### 11 SPECIAL AUTHORITIES

12 SEC. 533. (a) AFGHANISTAN, LEBANON, MONTE-  
 13 NEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND  
 14 DISPLACED BURMESE.—Funds appropriated by this Act  
 15 that are made available for assistance for Afghanistan,  
 16 and funds appropriated in titles I and II of this Act that  
 17 are made available for victims of war, displaced children,  
 18 and displaced Burmese, may be made available notwith-  
 19 standing any other provision of law: *Provided*, That any  
 20 such funds that are made available for Cambodia shall be  
 21 subject to the provisions of section 531(e) of the Foreign  
 22 Assistance Act of 1961 and section 906 of the Inter-  
 23 national Security and Development Cooperation Act of  
 24 1985.

25 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-  
 26 SERVATION ACTIVITIES.—Funds appropriated by this Act

1 to carry out the provisions of sections 103 through 106,  
 2 and chapter 4 of part II, of the Foreign Assistance Act  
 3 of 1961 may be used, notwithstanding any other provision  
 4 of law, for the purpose of supporting tropical forestry and  
 5 biodiversity conservation activities and energy programs  
 6 aimed at reducing greenhouse gas emissions: *Provided*,  
 7 That such assistance shall be subject to sections 116,  
 8 502B, and 620A of the Foreign Assistance Act of 1961.

9 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-  
 10 propriated by this Act to carry out chapter 1 of part I,  
 11 chapter 4 of part II, and section 667 of the Foreign As-  
 12 sistance Act of 1961, and title II of the Agricultural Trade  
 13 Development and Assistance Act of 1954, may be used  
 14 by the United States Agency for International Develop-  
 15 ment to employ up to 25 personal services contractors in  
 16 the United States, notwithstanding any other provision of  
 17 law, for the purpose of providing direct, interim support  
 18 for new or expanded overseas programs and activities and  
 19 managed by the agency until permanent direct hire per-  
 20 sonnel are hired and trained: *Provided*, That not more  
 21 than 10 of such contractors shall be assigned to any bu-  
 22 reau or office: *Provided further*, That such funds appro-  
 23 priated to carry out the Foreign Assistance Act of 1961  
 24 may be made available for personal services contractors  
 25 assigned only to the Office of Health and Nutrition; the

1 Office of Procurement; the Bureau for Africa; the Bureau  
 2 for Latin America and the Caribbean; and the Bureau for  
 3 Asia and the Near East: *Provided further*, That such funds  
 4 appropriated to carry out title II of the Agricultural Trade  
 5 Development and Assistance Act of 1954, may be made  
 6 available only for personal services contractors assigned  
 7 to the Office of Food for Peace.

8 (d)(1) WAIVER.—The President may waive the provi-  
 9 sions of section 1003 of Public Law 100–204 if the Presi-  
 10 dent determines and certifies in writing to the Speaker  
 11 of the House of Representatives and the President pro  
 12 tempore of the Senate that it is important to the national  
 13 security interests of the United States.

14 (2) PERIOD OF APPLICATION OF WAIVER.—Any  
 15 waiver pursuant to paragraph (1) shall be effective for no  
 16 more than a period of 6 months at a time and shall not  
 17 apply beyond 12 months after the enactment of this Act.

18 (e) CONTINGENCIES.—During fiscal year 2003, the  
 19 President may use up to \$45,000,000 under the authority  
 20 of section 451 of the Foreign Assistance Act, notwith-  
 21 standing the funding ceiling in section 451(a).

22 (f) SMALL BUSINESS.—In entering into multiple  
 23 award indefinite-quantity contracts with funds appro-  
 24 priated by this Act, the United States Agency for Inter-  
 25 national Development may provide an exception to the fair

1 opportunity process for placing task orders under such  
 2 contracts when the order is placed with any category of  
 3 small or small disadvantaged business.

4 (g) RECONSTITUTING CIVILIAN POLICE AUTHOR-  
 5 ITY.—In providing assistance with funds appropriated by  
 6 this Act under section 660(b)(6) of the Foreign Assistance  
 7 Act of 1961, support for a nation emerging from insta-  
 8 bility may be deemed to mean support for regional, dis-  
 9 trict, municipal, or other sub-national entity emerging  
 10 from instability, as well as a nation emerging from insta-  
 11 bility.

12 (h) REPEAL.—Section 545(d) of Public Law 106–  
 13 429, and comparable provisions contained in prior Acts  
 14 making appropriations for foreign operations, export fi-  
 15 nancing, and related programs, are hereby repealed.

16 ARAB LEAGUE BOYCOTT OF ISRAEL

17 SEC. 534. It is the sense of the Senate that—

18 (1) the Arab League boycott of Israel, and the  
 19 secondary boycott of American firms that have com-  
 20 mercial ties with Israel, is an impediment to peace  
 21 in the region and to United States investment and  
 22 trade in the Middle East and North Africa;

23 (2) the Arab League boycott, which was regret-  
 24 tably reinstated in 1997, should be immediately and  
 25 publicly terminated, and the Central Office for the  
 26 Boycott of Israel immediately disbanded;

1           (3) the three Arab League countries with diplo-  
2       matic and trade relations with Israel should return  
3       their ambassadors to Israel, should refrain from  
4       downgrading their relations with Israel, and should  
5       play a constructive role in securing a peaceful reso-  
6       lution of the Israeli-Arab conflict;

7           (4) the remaining Arab League states should  
8       normalize relations with their neighbor Israel;

9           (5) the President and the Secretary of State  
10      should continue to vigorously oppose the Arab  
11      League boycott of Israel and find concrete steps to  
12      demonstrate that opposition by, for example, taking  
13      into consideration the participation of any recipient  
14      country in the boycott when determining to sell  
15      weapons to said country; and,

16          (6) the President should report to Congress an-  
17      nually on specific steps being taken by the United  
18      States to encourage Arab League states to normalize  
19      their relations with Israel to bring about the termi-  
20      nation of the Arab League boycott of Israel, includ-  
21      ing those to encourage allies and trading partners of  
22      the United States to enact laws prohibiting busi-  
23      nesses from complying with the boycott and penal-  
24      izing businesses that do comply.

## 1 ADMINISTRATION OF JUSTICE ACTIVITIES

2 SEC. 535. Of the funds appropriated or otherwise  
3 made available by this Act for “Economic Support Fund”,  
4 assistance may be provided to strengthen the administra-  
5 tion of justice in countries in Latin America and the Car-  
6 ibbean and in other regions consistent with the provisions  
7 of section 534(b) of the Foreign Assistance Act of 1961,  
8 except that programs to enhance protection of participants  
9 in judicial cases may be conducted notwithstanding section  
10 660 of that Act. Funds made available pursuant to this  
11 section may be made available notwithstanding section  
12 534(c) and the second and third sentences of section  
13 534(e) of the Foreign Assistance Act of 1961.

## 14 ELIGIBILITY FOR ASSISTANCE

15 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-  
16 MENTAL ORGANIZATIONS.—Restrictions contained in this  
17 or any other Act with respect to assistance for a country  
18 shall not be construed to restrict assistance in support of  
19 programs of nongovernmental organizations from funds  
20 appropriated by this Act to carry out the provisions of  
21 chapters 1, 10, 11, and 12 of part I and chapter 4 of  
22 part II of the Foreign Assistance Act of 1961, and from  
23 funds appropriated under the heading “Assistance for  
24 Eastern Europe and the Baltic States”: *Provided*, That  
25 before using the authority of this subsection to furnish as-  
26 sistance in support of programs of nongovernmental orga-

1 nizations, the President shall notify the Committees on  
2 Appropriations under the regular notification procedures  
3 of those committees, including a description of the pro-  
4 gram to be assisted, the assistance to be provided, and  
5 the reasons for furnishing such assistance: *Provided fur-*  
6 *ther*, That nothing in this subsection shall be construed  
7 to alter any existing statutory prohibitions against abor-  
8 tion or involuntary sterilizations contained in this or any  
9 other Act.

10 (b) PUBLIC LAW 480.—During fiscal year 2003, re-  
11 strictions contained in this or any other Act with respect  
12 to assistance for a country shall not be construed to re-  
13 strict assistance under the Agricultural Trade Develop-  
14 ment and Assistance Act of 1954: *Provided*, That none  
15 of the funds appropriated to carry out title I of such Act  
16 and made available pursuant to this subsection may be  
17 obligated or expended except as provided through the reg-  
18 ular notification procedures of the Committees on Appro-  
19 priations.

20 (c) EXCEPTION.—This section shall not apply—

21 (1) with respect to section 620A of the Foreign  
22 Assistance Act of 1961 or any comparable provision  
23 of law prohibiting assistance to countries that sup-  
24 port international terrorism; or

1           (2) with respect to section 116 of the Foreign  
2       Assistance Act of 1961 or any comparable provision  
3       of law prohibiting assistance to the government of a  
4       country that violates internationally recognized  
5       human rights.

6                               EARMARKS

7       SEC. 537. (a) Funds appropriated by this Act which  
8       are earmarked may be reprogrammed for other programs  
9       within the same account notwithstanding the earmark if  
10      compliance with the earmark is made impossible by oper-  
11      ation of any provision of this or any other Act: *Provided*,  
12      That any such reprogramming shall be subject to the reg-  
13      ular notification procedures of the Committees on Appro-  
14      priations: *Provided further*, That assistance that is repro-  
15      grammed pursuant to this subsection shall be made avail-  
16      able under the same terms and conditions as originally  
17      provided.

18      (b) In addition to the authority contained in sub-  
19      section (a), the original period of availability of funds ap-  
20      propriated by this Act and administered by the United  
21      States Agency for International Development that are ear-  
22      marked for particular programs or activities by this or any  
23      other Act shall be extended for an additional fiscal year  
24      if the Administrator of such agency determines and re-  
25      ports promptly to the Committees on Appropriations that  
26      the termination of assistance to a country or a significant

1 change in circumstances makes it unlikely that such ear-  
 2 marked funds can be obligated during the original period  
 3 of availability: *Provided*, That such earmarked funds that  
 4 are continued available for an additional fiscal year shall  
 5 be obligated only for the purpose of such earmark.

#### 6 CEILINGS AND EARMARKS

7 SEC. 538. Ceilings and earmarks contained in this  
 8 Act shall not be applicable to funds or authorities appro-  
 9 priated or otherwise made available by any subsequent Act  
 10 unless such Act specifically so directs. Earmarks or min-  
 11 imum funding requirements contained in any other Act  
 12 shall not be applicable to funds appropriated by this Act.

#### 13 PROHIBITION ON PUBLICITY OR PROPAGANDA

14 SEC. 539. No part of any appropriation contained in  
 15 this Act shall be used for publicity or propaganda purposes  
 16 within the United States not authorized before the date  
 17 of the enactment of this Act by the Congress: *Provided*,  
 18 That not to exceed \$750,000 may be made available to  
 19 carry out the provisions of section 316 of Public Law 96–  
 20 533.

#### 21 PROHIBITION OF PAYMENTS TO UNITED NATIONS

#### 22 MEMBERS

23 SEC. 540. None of the funds appropriated or made  
 24 available pursuant to this Act for carrying out the Foreign  
 25 Assistance Act of 1961, may be used to pay in whole or  
 26 in part any assessments, arrearages, or dues of any mem-

ber of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 542. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional commit-

tees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE  
WEST BANK AND GAZA

SEC. 543. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

## 1                   WAR CRIMES TRIBUNALS DRAWDOWN

2           SEC. 544. If the President determines that doing so  
3 will contribute to a just resolution of charges regarding  
4 genocide or other violations of international humanitarian  
5 law, the President may direct a drawdown pursuant to sec-  
6 tion 552(c) of the Foreign Assistance Act of 1961, as  
7 amended, of up to \$30,000,000 of commodities and serv-  
8 ices for the United Nations War Crimes Tribunal estab-  
9 lished with regard to the former Yugoslavia by the United  
10 Nations Security Council or such other tribunals or com-  
11 missions as the Council may establish or authorize to deal  
12 with such violations, without regard to the ceiling limita-  
13 tion contained in paragraph (2) thereof: *Provided*, That  
14 the determination required under this section shall be in  
15 lieu of any determinations otherwise required under sec-  
16 tion 552(c): *Provided further*, That funds made available  
17 for tribunals other than Yugoslavia or Rwanda shall be  
18 made available subject to the regular notification proce-  
19 dures of the Committees on Appropriations.

## 20                   LANDMINES

21          SEC. 545. Notwithstanding any other provision of  
22 law, demining equipment available to the United States  
23 Agency for International Development and the Depart-  
24 ment of State and used in support of the clearance of  
25 landmines and unexploded ordnance for humanitarian  
26 purposes may be disposed of on a grant basis in foreign

1 countries, subject to such terms and conditions as the  
2 President may prescribe.

3 RESTRICTIONS CONCERNING THE PALESTINIAN

4 AUTHORITY

5 SEC. 546. None of the funds appropriated by this Act  
6 may be obligated or expended to create in any part of Je-  
7 rusalem a new office of any department or agency of the  
8 United States Government for the purpose of conducting  
9 official United States Government business with the Pal-  
10 estinian Authority over Gaza and Jericho or any successor  
11 Palestinian governing entity provided for in the Israel-  
12 PLO Declaration of Principles: *Provided*, That this re-  
13 striction shall not apply to the acquisition of additional  
14 space for the existing Consulate General in Jerusalem:  
15 *Provided further*, That meetings between officers and em-  
16 ployees of the United States and officials of the Pales-  
17 tinian Authority, or any successor Palestinian governing  
18 entity provided for in the Israel-PLO Declaration of Prin-  
19 ciples, for the purpose of conducting official United States  
20 Government business with such authority should continue  
21 to take place in locations other than Jerusalem. As has  
22 been true in the past, officers and employees of the United  
23 States Government may continue to meet in Jerusalem on  
24 other subjects with Palestinians (including those who now  
25 occupy positions in the Palestinian Authority), have social  
26 contacts, and have incidental discussions.

## 1 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

2 SEC. 547. None of the funds appropriated or other-  
3 wise made available by this Act under the heading “Inter-  
4 national Military Education and Training” or “Foreign  
5 Military Financing Program” for Informational Program  
6 activities or under the headings “Child Survival and  
7 Health Programs Fund”, “Development Assistance”, and  
8 “Economic Support Fund” may be obligated or expended  
9 to pay for—

10 (1) alcoholic beverages; or

11 (2) entertainment expenses for activities that  
12 are substantially of a recreational character, includ-  
13 ing but not limited to entrance fees at sporting  
14 events, theatrical and musical productions, and  
15 amusement parks.

## 16 SPECIAL DEBT RELIEF FOR THE POOREST

17 SEC. 548. (a) AUTHORITY TO REDUCE DEBT.—The  
18 President may reduce amounts owed to the United States  
19 (or any agency of the United States) by an eligible country  
20 as a result of—

21 (1) guarantees issued under sections 221 and  
22 222 of the Foreign Assistance Act of 1961;

23 (2) credits extended or guarantees issued under  
24 the Arms Export Control Act; or

25 (3) any obligation or portion of such obligation,  
26 to pay for purchases of United States agricultural

1 commodities guaranteed by the Commodity Credit  
2 Corporation under export credit guarantee programs  
3 authorized pursuant to section 5(f) of the Com-  
4modity Credit Corporation Charter Act of June 29,  
5 1948, as amended, section 4(b) of the Food for  
6 Peace Act of 1966, as amended (Public Law 89–  
7 808), or section 202 of the Agricultural Trade Act  
8 of 1978, as amended (Public Law 95–501).

9 (b) LIMITATIONS.—

10 (1) The authority provided by subsection (a)  
11 may be exercised only to implement multilateral offi-  
12 cial debt relief and referendum agreements, com-  
13 monly referred to as “Paris Club Agreed Minutes”.

14 (2) The authority provided by subsection (a)  
15 may be exercised only in such amounts or to such  
16 extent as is provided in advance by appropriations  
17 Acts.

18 (3) The authority provided by subsection (a)  
19 may be exercised only with respect to countries with  
20 heavy debt burdens that are eligible to borrow from  
21 the International Development Association, but not  
22 from the International Bank for Reconstruction and  
23 Development, commonly referred to as “IDA-only”  
24 countries.

1 (c) CONDITIONS.—The authority provided by sub-  
2 section (a) may be exercised only with respect to a country  
3 whose government—

4 (1) does not have an excessive level of military  
5 expenditures;

6 (2) has not repeatedly provided support for acts  
7 of international terrorism;

8 (3) is not failing to cooperate on international  
9 narcotics control matters;

10 (4) (including its military or other security  
11 forces) does not engage in a consistent pattern of  
12 gross violations of internationally recognized human  
13 rights; and

14 (5) is not ineligible for assistance because of the  
15 application of section 527 of the Foreign Relations  
16 Authorization Act, Fiscal Years 1994 and 1995.

17 (d) AVAILABILITY OF FUNDS.—The authority pro-  
18 vided by subsection (a) may be used only with regard to  
19 funds appropriated by this Act under the heading “Debt  
20 Restructuring”.

21 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-  
22 duction of debt pursuant to subsection (a) shall not be  
23 considered assistance for purposes of any provision of law  
24 limiting assistance to a country. The authority provided  
25 by subsection (a) may be exercised notwithstanding sec-

tion 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 549. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the

1 face value of such debt, to support activities  
2 that link conservation and sustainable use of  
3 natural resources with local community develop-  
4 ment, and child survival and other child devel-  
5 opment, in a manner consistent with sections  
6 707 through 710 of the Foreign Assistance Act  
7 of 1961, if the sale, reduction, or cancellation  
8 would not contravene any term or condition of  
9 any prior agreement relating to such loan.

10 (2) TERMS AND CONDITIONS.—Notwithstanding  
11 any other provision of law, the President shall, in ac-  
12 cordance with this section, establish the terms and  
13 conditions under which loans may be sold, reduced,  
14 or canceled pursuant to this section.

15 (3) ADMINISTRATION.—The Facility, as defined  
16 in section 702(8) of the Foreign Assistance Act of  
17 1961, shall notify the administrator of the agency  
18 primarily responsible for administering part I of the  
19 Foreign Assistance Act of 1961 of purchasers that  
20 the President has determined to be eligible, and  
21 shall direct such agency to carry out the sale, reduc-  
22 tion, or cancellation of a loan pursuant to this sec-  
23 tion. Such agency shall make an adjustment in its  
24 accounts to reflect the sale, reduction, or cancella-  
25 tion.

1           (4) LIMITATION.—The authorities of this sub-  
2           section shall be available only to the extent that ap-  
3           propriations for the cost of the modification, as de-  
4           fined in section 502 of the Congressional Budget Act  
5           of 1974, are made in advance.

6           (b) DEPOSIT OF PROCEEDS.—The proceeds from the  
7           sale, reduction, or cancellation of any loan sold, reduced,  
8           or canceled pursuant to this section shall be deposited in  
9           the United States Government account or accounts estab-  
10          lished for the repayment of such loan.

11          (c) ELIGIBLE PURCHASERS.—A loan may be sold  
12          pursuant to subsection (a)(1)(A) only to a purchaser who  
13          presents plans satisfactory to the President for using the  
14          loan for the purpose of engaging in debt-for-equity swaps,  
15          debt-for-development swaps, or debt-for-nature swaps.

16          (d) DEBTOR CONSULTATIONS.—Before the sale to  
17          any eligible purchaser, or any reduction or cancellation  
18          pursuant to this section, of any loan made to an eligible  
19          country, the President should consult with the country  
20          concerning the amount of loans to be sold, reduced, or  
21          canceled and their uses for debt-for-equity swaps, debt-  
22          for-development swaps, or debt-for-nature swaps.

23          (e) AVAILABILITY OF FUNDS.—The authority pro-  
24          vided by subsection (a) may be used only with regard to

1 funds appropriated by this Act under the heading “Debt  
2 Restructuring”.

3 HAITI COAST GUARD

4 SEC. 550. The Government of Haiti shall be eligible  
5 to purchase defense articles and services under the Arms  
6 Export Control Act (22 U.S.C. 2751 et seq.), for the Coast  
7 Guard.

8 LIMITATION ON ASSISTANCE TO THE PALESTINIAN

9 AUTHORITY

10 SEC. 551. (a) PROHIBITION OF FUNDS.—None of the  
11 funds appropriated by this Act to carry out the provisions  
12 of chapter 4 of part II of the Foreign Assistance Act of  
13 1961 may be obligated or expended with respect to pro-  
14 viding funds to the Palestinian Authority.

15 (b) WAIVER.—The prohibition included in subsection  
16 (a) shall not apply if the President certifies in writing to  
17 the Speaker of the House of Representatives and the  
18 President pro tempore of the Senate that waiving such  
19 prohibition is important to the national security interests  
20 of the United States.

21 (c) PERIOD OF APPLICATION OF WAIVER.—Any  
22 waiver pursuant to subsection (b) shall be effective for no  
23 more than a period of 6 months at a time and shall not  
24 apply beyond 12 months after the enactment of this Act.

## 1        LIMITATION ON ASSISTANCE TO SECURITY FORCES

2        SEC. 552. None of the funds made available by this  
3 Act may be provided to any unit of the security forces  
4 of a foreign country if the Secretary of State has credible  
5 evidence that such unit has committed gross violations of  
6 human rights, unless the Secretary determines and reports  
7 to the Committees on Appropriations that the government  
8 of such country is taking effective measures to bring the  
9 responsible members of the security forces unit to justice:  
10 *Provided*, That nothing in this section shall be construed  
11 to withhold funds made available by this Act from any  
12 unit of the security forces of a foreign country not credibly  
13 alleged to be involved in gross violations of human rights:  
14 *Provided further*, That in the event that funds are withheld  
15 from any unit pursuant to this section, the Secretary of  
16 State shall promptly inform the foreign government of the  
17 basis for such action and shall, to the maximum extent  
18 practicable, assist the foreign government in taking effective  
19 measures to bring the responsible members of the security  
20 forces to justice.

## 21        PROTECTION OF TROPICAL FORESTS AND BIODIVERSITY

22        SEC. 553. Of the funds appropriated under the heading  
23 “Development Assistance”, not less than  
24 \$150,000,000 shall be made available for programs and  
25 activities which directly protect tropical forests and biodiversity,  
26 including activities to deter illegal logging: *Pro-*

1 *vided*, That of the funds made available pursuant to this  
 2 section, not less than \$9,000,000 shall be made available  
 3 for the Central African Regional Program for the Environ-  
 4 ment.

5 ENERGY CONSERVATION, ENERGY EFFICIENCY AND  
 6 CLEAN ENERGY PROGRAMS

7 SEC. 554. (a) FUNDING.—Of the funds appropriated  
 8 by this Act, not less than \$175,000,000 shall be made  
 9 available to support policies and programs in developing  
 10 countries, countries in transition and other partner coun-  
 11 tries that directly (1) promote a wide range of energy con-  
 12 servation, energy efficiency and clean energy programs  
 13 and activities, including the transfer of clean and environ-  
 14 mentally sustainable energy technologies; (2) measure,  
 15 monitor, and reduce greenhouse gas emissions; (3) in-  
 16 crease carbon sequestration activities; and (4) enhance cli-  
 17 mate change mitigation and adaptation programs.

18 (b) GREENHOUSE GAS EMISSIONS REPORT.—Not  
 19 later than 45 days after the date on which the President's  
 20 fiscal year 2004 budget request is submitted to Congress,  
 21 the President shall submit a report to the Committees on  
 22 Appropriations describing in detail the following—

23 (1) all Federal agency obligations and expendi-  
 24 tures, domestic and international, for climate change  
 25 programs and activities in fiscal year 2003, includ-  
 26 ing an accounting of expenditures by agency with

1 each agency identifying climate change activities and  
2 associated costs by line item as presented in the  
3 President's Budget Appendix; and

4 (2) all fiscal year 2002 obligations and esti-  
5 mated expenditures, fiscal year 2003 estimated ex-  
6 penditures and estimated obligations, and fiscal year  
7 2004 requested funds by the United States Agency  
8 for International Development, by country and cen-  
9 tral program, for each of the following: (1) to pro-  
10 mote the transfer and deployment of a wide range  
11 of United States clean energy and energy efficiency  
12 technologies; (2) to assist in the measurement, moni-  
13 toring, reporting, verification, and reduction of  
14 greenhouse gas emissions; (3) to promote carbon  
15 capture and sequestration measures; (4) to help  
16 meet such countries' responsibilities under the  
17 Framework Convention on Climate Change; and (5)  
18 to develop assessments of the vulnerability to im-  
19 pacts of climate change and mitigation and adapta-  
20 tion response strategies.

21 AFGHANISTAN

22 SEC. 555. Of the funds appropriated by this Act  
23 under the headings "Child Survival and Health Programs  
24 Fund", "Development Assistance", "International Dis-  
25 aster Assistance", "Transition Initiatives", "Economic  
26 Support Fund", "International Narcotics Control and

1 Law Enforcement”, “Migration and Refugee Assistance”,  
 2 “Nonproliferation, Anti-Terrorism, Demining and Related  
 3 Programs”, “International Military Education and Train-  
 4 ing”, and “Foreign Military Financing Program”, not less  
 5 than \$150,000,000 should be made available for humani-  
 6 tarian, reconstruction, and other assistance for Afghani-  
 7 stan, including repairing homes of Afghan citizens that  
 8 were damaged or destroyed as a result of military oper-  
 9 ations: *Provided*, That of the funds made available pursu-  
 10 ant to this section that are appropriated under the head-  
 11 ing “Economic Support Fund”, not less than \$5,000,000  
 12 shall be made available for assistance for the Afghan Min-  
 13 istry of Women’s Affairs for activities to promote girl’s  
 14 and women’s education, reproductive health, legal rights,  
 15 and economic opportunities.

16 ZIMBABWE

17 SEC. 556. The Secretary of the Treasury shall in-  
 18 struct the United States executive director to each inter-  
 19 national financial institution to vote against any extension  
 20 by the respective institution of any loans, to the Govern-  
 21 ment of Zimbabwe, except to meet basic human needs or  
 22 to promote democracy, unless the Secretary of State deter-  
 23 mines and certifies to the Committees on Appropriations  
 24 that the rule of law has been restored in Zimbabwe, in-  
 25 cluding respect for ownership and title to property, free-  
 26 dom of speech and association.

## NIGERIA

1  
2 SEC. 557. Funds appropriated under the headings  
3 “International Military Education and Training” and  
4 “Foreign Military Financing Program” may be made  
5 available for Nigeria only for expanded international mili-  
6 tary education and training and non-lethal defense arti-  
7 cles, until the President certifies to the appropriate con-  
8 gressional committees that the Nigerian Minister of De-  
9 fense, the Chief of the Army Staff, and the Minister of  
10 State for Defense/Army are suspending from the Armed  
11 Forces those members, of whatever rank, against whom  
12 there is credible evidence of gross violations of human  
13 rights in Benue State in October 2001, and the Govern-  
14 ment of Nigeria and the Nigerian Armed Forces are tak-  
15 ing effective measures to bring such individuals to justice.

## BURMA

17 SEC. 558. Of the funds appropriated under the head-  
18 ing “Economic Support Fund”, not less than \$6,500,000  
19 shall be made available to support democracy activities in  
20 Burma, democracy and humanitarian activities along the  
21 Burma-Thailand border, and for Burmese student groups  
22 and other organizations located outside Burma: *Provided*,  
23 That funds made available for Burma-related activities  
24 under this heading may be made available notwithstanding  
25 any other provision of law: *Provided further*, That funds  
26 made available by this section shall be subject to the reg-

1 ular notification procedures of the Committees on Appro-  
2 priations.

3 ENTERPRISE FUND RESTRICTIONS

4 SEC. 559. Prior to the distribution of any assets re-  
5 sulting from any liquidation, dissolution, or winding up  
6 of an Enterprise Fund, in whole or in part, the President  
7 shall submit to the Committees on Appropriations, in ac-  
8 cordance with the regular notification procedures of the  
9 Committees on Appropriations, a plan for the distribution  
10 of the assets of the Enterprise Fund.

11 CAMBODIA

12 SEC. 560. (a) The Secretary of the Treasury shall  
13 instruct the United States executive directors of the inter-  
14 national financial institutions to use the voice and vote  
15 of the United States to oppose loans to the Central Gov-  
16 ernment of Cambodia, except loans to meet basic human  
17 needs.

18 (b)(1) None of the funds appropriated by this Act  
19 may be made available for assistance for the Central Gov-  
20 ernment of Cambodia.

21 (2) Paragraph (1) shall not apply to assistance for  
22 basic education, reproductive and maternal and child  
23 health, and for the Ministry of Women and Veterans Af-  
24 fairs to combat human trafficking.

25 (c) Of the funds appropriated by this Act under the  
26 heading “Economic Support Fund”, \$5,000,000 shall be

1 made available, notwithstanding subsection (b), for assist-  
2 ance for democratic opposition political parties in Cam-  
3 bodia.

4 (d) Of the funds appropriated by this Act,  
5 \$3,750,000 shall be made available as a contribution for  
6 an endowment to sustain rehabilitation programs for Cam-  
7 bodians suffering from physical disabilities that are ad-  
8 ministered by an American nongovernmental organization  
9 that is directly supported by the United States Agency for  
10 International Development: *Provided*, That funds made  
11 available for such assistance shall be in addition to the  
12 level of assistance proposed by the President for Cambodia  
13 for fiscal year 2003: *Provided further*, That such funds  
14 may be made available only if an amount at least equal  
15 to the United States contribution is provided for the en-  
16 dowment from sources other than the United States Gov-  
17 ernment.

18 FOREIGN MILITARY TRAINING REPORT

19 SEC. 561. (a) The Secretary of Defense and the Sec-  
20 retary of State shall jointly provide to the Congress by  
21 March 1, 2003, a report on all military training provided  
22 to foreign military personnel (excluding sales, and exclud-  
23 ing training provided to the military personnel of countries  
24 belonging to the North Atlantic Treaty Organization)  
25 under programs administered by the Department of De-  
26 fense and the Department of State during fiscal years

1 2002 and 2003, including those proposed for fiscal year  
 2 2003. This report shall include, for each such military  
 3 training activity, the foreign policy justification and pur-  
 4 pose for the training activity, the cost of the training activ-  
 5 ity, the number of foreign students trained and their units  
 6 of operation, and the location of the training. In addition,  
 7 this report shall also include, with respect to United States  
 8 personnel, the operational benefits to United States forces  
 9 derived from each such training activity and the United  
 10 States military units involved in each such training activ-  
 11 ity. This report may include a classified annex if deemed  
 12 necessary and appropriate.

13 (b) For purposes of this section a report to Congress  
 14 shall be deemed to mean a report to the Appropriations  
 15 and Foreign Relations Committees of the Senate and the  
 16 Appropriations and International Relations Committees of  
 17 the House of Representatives.

18 KOREAN PENINSULA ENERGY DEVELOPMENT

19 ORGANIZATION

20 SEC. 562. (a) Of the funds made available under the  
 21 heading “Nonproliferation, Anti-terrorism, Demining and  
 22 Related Programs”, \$75,000,000 may be made available  
 23 for the Korean Peninsula Energy Development Organiza-  
 24 tion (hereafter referred to in this section as “KEDO”),  
 25 notwithstanding any other provision of law, only for the

1 administrative expenses and heavy fuel oil costs associated  
2 with the Agreed Framework.

3 (b) Such funds may be made available for KEDO  
4 only if, 15 days prior to such obligation of funds, the  
5 President certifies and so reports to Congress that—

6 (1) the parties to the Agreed Framework have  
7 taken and continue to take demonstrable steps to  
8 implement the Joint Declaration on  
9 Denuclearization of the Korean Peninsula;

10 (2) North Korea is complying with all provi-  
11 sions of the Agreed Framework; and

12 (3) the United States is continuing to make sig-  
13 nificant progress on eliminating the North Korean  
14 ballistic missile threat, including further missile tests  
15 and its ballistic missile exports.

16 (c) The President may waive the certification require-  
17 ments of subsection (b) if the President determines that  
18 it is vital to the national security interests of the United  
19 States and provides written policy justifications to the ap-  
20 propriate congressional committees. No funds may be obli-  
21 gated for KEDO until 15 days after submission to Con-  
22 gress of such waiver.

23 (d) The Secretary of State shall, at the time of the  
24 annual presentation for appropriations, submit a report  
25 providing a full and detailed accounting of the fiscal year

1 2004 request for the United States contribution to KEDO,  
 2 the expected operating budget of KEDO, proposed annual  
 3 costs associated with heavy fuel oil purchases, including  
 4 unpaid debt, and the amount of funds pledged by other  
 5 donor nations and organizations to support KEDO activi-  
 6 ties on a per country basis, and other related activities.

7 COLOMBIA

8 SEC. 563. (a) DETERMINATION AND CERTIFICATION  
 9 REQUIRED.—Notwithstanding any other provision of law,  
 10 funds appropriated by this Act or prior Acts making ap-  
 11 propriations for foreign operations, export financing, and  
 12 related programs, that are available for assistance for the  
 13 Colombian Armed Forces and National Police, may be  
 14 made available for assistance to support the Colombian  
 15 Government’s unified campaign against narcotics traf-  
 16 ficking and against paramilitary and guerrilla organiza-  
 17 tions designated as terrorist organizations in that country,  
 18 as follows:

19 (1) Not more than 60 percent of such funds  
 20 that are available for the Colombian Armed Forces  
 21 may be obligated after a determination by the Sec-  
 22 retary of State and a certification to the appropriate  
 23 congressional committees that:

24 (A) The Commander General of the Co-  
 25 lombian Armed Forces is suspending from the  
 26 Armed Forces those members, of whatever

1 rank, who have been credibly alleged to have  
2 committed gross violations of human rights, in-  
3 cluding extra-judicial killings, or to have aided  
4 or abetted paramilitary organizations.

5 (B) The Colombian Government is pros-  
6 ecuting and punishing those members of the  
7 Colombian Armed Forces, of whatever rank,  
8 who have been credibly alleged to have com-  
9 mitted gross violations of human rights, includ-  
10 ing extra-judicial killings, or to have aided or  
11 abetted paramilitary organizations, and the Co-  
12 lombian Armed Forces are cooperating with ci-  
13 vilian prosecutors and judicial authorities in  
14 such cases (including providing requested infor-  
15 mation, such as the identity of persons sus-  
16 pended from the Armed Forces and the nature  
17 and cause of the suspension, and access to wit-  
18 nesses, relevant military documents, and other  
19 requested information).

20 (C) The Colombian Armed Forces are sev-  
21 ering links (including denying access to military  
22 intelligence, vehicles, and other equipment or  
23 supplies, and ceasing other forms of active or  
24 tacit cooperation) at the command, battalion,

1           and brigade levels, with paramilitary organiza-  
2           tions.

3           (D) The Colombian Armed Forces are ap-  
4           prehending the leaders of paramilitary organi-  
5           zations.

6           (2) The balance of such funds may be obligated  
7           after June 1, 2003, if the Secretary of State deter-  
8           mines and certifies to the appropriate congressional  
9           committees that the Colombian Armed Forces are  
10          continuing to meet the criteria contained in para-  
11          graphs (1)(A), (B), (C) and (D) and are conducting  
12          vigorous operations to restore government authority  
13          and respect for human rights in areas under the ef-  
14          fective control of paramilitary and guerrilla organi-  
15          zations.

16          (b) CONSULTATIVE PROCESS.—At least 10 days prior  
17          to making the determinations and certifications required  
18          by subsection (a), and every 120 days thereafter during  
19          fiscal year 2003, the Secretary of State shall consult with  
20          internationally recognized human rights organizations re-  
21          garding progress in meeting the conditions contained in  
22          that subsection.

23          (c) REPORT.—One hundred and twenty days after  
24          the enactment of this Act, and every 120 days thereafter  
25          during fiscal year 2003, the Secretary of State shall sub-

1 mit a report to the Committees on Appropriations describ-  
 2 ing actions taken by the Colombian Armed Forces to meet  
 3 the requirements set forth in subsections (a)(1)(A)  
 4 through (a)(1)(D).

5 (d) DEFINITIONS.—In this section:

6 (1) AIDED OR ABETTED.—The term “aided or  
 7 abetted” means to provide any support to para-  
 8 military groups, including taking actions which  
 9 allow, facilitate, or otherwise foster the activities of  
 10 such groups.

11 (2) PARAMILITARY GROUPS.—The term “para-  
 12 military groups” means illegal self-defense groups  
 13 and illegal security cooperatives.

14 ILLEGAL ARMED GROUPS

15 SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF  
 16 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-  
 17 section (b), the Secretary of State shall not issue a visa  
 18 to any alien who the Secretary determines, based on cred-  
 19 ible evidence—

20 (1) has willfully provided any support to the  
 21 Revolutionary Armed Forces of Colombia (FARC),  
 22 the National Liberation Army (ELN), or the United  
 23 Self-Defense Forces of Colombia (AUC), including  
 24 taking actions or failing to take actions which allow,  
 25 facilitate, or otherwise foster the activities of such  
 26 groups; or

1           (2) has committed, ordered, incited, assisted, or  
 2           otherwise participated in the commission of gross  
 3           violations of human rights, including extra-judicial  
 4           killings, in Colombia.

5           (b) WAIVER.—Subsection (a) shall not apply if the  
 6           Secretary of State determines and certifies to the appro-  
 7           priate congressional committees, on a case-by-case basis,  
 8           that the issuance of a visa to the alien is necessary to  
 9           support the peace process in Colombia or for urgent hu-  
 10          manitarian reasons.

11          PROHIBITION ON ASSISTANCE TO THE PALESTINIAN  
 12                                   BROADCASTING CORPORATION

13          SEC. 565. None of the funds appropriated or other-  
 14          wise made available by this Act may be used to provide  
 15          equipment, technical support, consulting services, or any  
 16          other form of assistance to the Palestinian Broadcasting  
 17          Corporation.

18                                   IRAQ

19          SEC. 566. Notwithstanding any other provision of  
 20          law, funds appropriated under the heading “Economic  
 21          Support Fund” may be made available for programs bene-  
 22          fitting the Iraqi people and to support efforts to bring  
 23          about a transition to democracy in Iraq: *Provided*, That  
 24          not more than 15 percent of the funds, except for costs  
 25          related to broadcasting activities, may be used for admin-  
 26          istrative and representational expenses, including expendi-

1 tures for salaries, office rent and equipment: *Provided fur-*  
 2 *ther*, That none of the funds made available pursuant to  
 3 the authorities provided in this section may be made avail-  
 4 able to any organization to reimburse or pay for costs in-  
 5 curred by such organization in prior fiscal years: *Provided*  
 6 *further*, That funds made available under this heading are  
 7 made available subject to the regular notification proce-  
 8 dures of the Committees on Appropriations.

9 WEST BANK AND GAZA PROGRAM

10 SEC. 567. For fiscal year 2003, 30 days prior to the  
 11 initial obligation of funds for the bilateral West Bank and  
 12 Gaza Program, the Secretary of State shall certify to the  
 13 appropriate committees of Congress that procedures have  
 14 been established to assure the Comptroller General of the  
 15 United States will have access to appropriate United  
 16 States financial information in order to review the uses  
 17 of United States assistance for the Program funded under  
 18 the heading “Economic Support Fund” for the West Bank  
 19 and Gaza.

20 INDONESIA

21 SEC. 568. (a) Funds appropriated by this Act under  
 22 the heading “Foreign Military Financing Program” may  
 23 be made available for assistance for Indonesia, and lethal  
 24 defense articles may be licensed for export to Indonesia,  
 25 if the President certifies to the appropriate congressional  
 26 committees that—

1           (1) the Indonesia Minister of Defense is sus-  
2           pending from the Armed Forces those members, of  
3           whatever rank, who have been credibly alleged to  
4           have committed gross violations of human rights, or  
5           to have aided or abetted militia groups;

6           (2) the Indonesian Government is prosecuting  
7           and punishing those members of the Indonesian  
8           Armed Forces, of whatever rank, who have been  
9           credibly alleged to have committed gross violations  
10          of human rights, or to have aided or abetted militia  
11          groups, and the Indonesian Armed Forces are co-  
12          operating with civilian prosecutors and judicial au-  
13          thorities in such cases (including providing access to  
14          witnesses, relevant military documents, and other re-  
15          quested information); and

16          (3) the Minister of Defense is making publicly  
17          available audits of receipts and expenditures of the  
18          Indonesian Armed Forces, including audits of re-  
19          ceipts from private enterprises and foundations.

20          BRIEFINGS ON POTENTIAL PURCHASES OF DEFENSE

21          ARTICLES OR DEFENSE SERVICES BY TAIWAN

22          SEC. 569. (a) BRIEFINGS.—Not later than 90 days  
23          after the date of enactment of this Act, and not later than  
24          every 120 days thereafter during fiscal year 2003, the De-  
25          partment of State, in consultation with the Department  
26          of Defense, shall provide detailed briefings to the appro-

1 priate congressional committees (including the Commit-  
 2 tees on Appropriations) on any discussions conducted be-  
 3 tween any executive branch agency and the government  
 4 of Taiwan during the preceding 120 days (or, in the case  
 5 of the initial briefing, since the date of enactment of this  
 6 Act) on any potential purchase of defense articles or de-  
 7 fense services by the government of Taiwan.

8 (b) EXECUTIVE AGENCY DEFINED.—In this section,  
 9 the term “executive branch agency” has the meaning given  
 10 the term “agency” in section 551(1) of title 5, United  
 11 States Code.

## 12 RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS

### 13 DESTABILIZING SIERRA LEONE

14 SEC. 570. (a) None of the funds appropriated by this  
 15 Act may be made available for assistance for the govern-  
 16 ment of any country for which the Secretary of State de-  
 17 termines there is credible evidence that such government  
 18 has knowingly facilitated the safe passage of weapons or  
 19 other equipment, or has provided lethal or non-lethal mili-  
 20 tary support or equipment, directly or through inter-  
 21 mediaries, within the previous six months to the Sierra  
 22 Leone Revolutionary United Front, Liberian Security  
 23 Forces, or any other group intent on destabilizing the  
 24 democratically elected government of the Republic of Si-  
 25 erra Leone.

1 (b) None of the funds appropriated by this Act may  
2 be made available for assistance for the government of any  
3 country for which the Secretary of State determines there  
4 is credible evidence that such government has aided or  
5 abetted, within the previous six months, in the illicit dis-  
6 tribution, transportation, or sale of diamonds mined in Si-  
7 erra Leone.

8 (c) Whenever the prohibition on assistance required  
9 under subsection (a) or (b) is exercised, the Secretary of  
10 State shall notify the Committees on Appropriations in a  
11 timely manner.

12 VOLUNTARY SEPARATION INCENTIVES

13 SEC. 571. Section 579(c)(2)(D) of the Foreign Oper-  
14 ations, Export Financing, and Related Programs Appro-  
15 priations Act, 2000, as enacted by section 1000(a)(2) of  
16 the Consolidated Appropriations Act, 2000 (Public Law  
17 106–113), as amended, is amended by striking “December  
18 31, 2002” and inserting in lieu thereof “December 31,  
19 2003”.

20 UZBEKISTAN

21 SEC. 572. Funds appropriated by this Act may be  
22 made available for assistance for the Government of  
23 Uzbekistan if the Secretary of State determines and re-  
24 ports to the Committees on Appropriations that the Gov-  
25 ernment of Uzbekistan is making substantial and con-  
26 tinuing progress in meeting its commitments under the

1 “Declaration on the Strategic Partnership and Coopera-  
2 tion Framework Between the Republic of Uzbekistan and  
3 the United States of America”.

4 AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL  
5 SALVADOR AND GUATEMALA

6 SEC. 573. (a) Information relevant to the December  
7 2, 1980, murders of four American churchwomen in El  
8 Salvador, and the May 5, 2001, murder of Sister Barbara  
9 Ann Ford and the murders of other American citizens in  
10 Guatemala since December 1999, should be investigated  
11 and made public.

12 (b) Not later than 45 days after enactment of this  
13 Act, the President shall order all Federal agencies and de-  
14 partments, including the Federal Bureau of Investigation,  
15 that possess relevant information, to expeditiously declas-  
16 sify and release to the victims’ families such information,  
17 consistent with existing standards and procedures on clas-  
18 sification, and shall provide a copy of such order to the  
19 Committees on Appropriations.

20 (c) In making determinations concerning declassifica-  
21 tion and release of relevant information, all Federal agen-  
22 cies and departments should use the discretion contained  
23 within such existing standards and procedures on classi-  
24 fication in support of releasing, rather than withholding,  
25 such information.

1 (d) All reasonable efforts should be taken by the  
2 American Embassy in Guatemala to work with relevant  
3 agencies of the Guatemalan Government to protect the  
4 safety of American citizens in Guatemala, and to assist  
5 in the investigations of violations of human rights.

6 COMMERCIAL LEASING OF DEFENSE ARTICLES

7 SEC. 574. Notwithstanding any other provision of  
8 law, and subject to the regular notification procedures of  
9 the Committees on Appropriations, the authority of sec-  
10 tion 23(a) of the Arms Export Control Act may be used  
11 to provide financing to Israel, Egypt and NATO and  
12 major non-NATO allies for the procurement by leasing  
13 (including leasing with an option to purchase) of defense  
14 articles from United States commercial suppliers, not in-  
15 cluding Major Defense Equipment (other than helicopters  
16 and other types of aircraft having possible civilian applica-  
17 tion), if the President determines that there are compel-  
18 ling foreign policy or national security reasons for those  
19 defense articles being provided by commercial lease rather  
20 than by government-to-government sale under such Act.

21 WAR CRIMINALS

22 SEC. 575. (a)(1) None of the funds appropriated or  
23 otherwise made available pursuant to this Act may be  
24 made available for assistance, and the Secretary of the  
25 Treasury shall instruct the United States executive direc-  
26 tors to the international financial institutions to vote

1 against any new project involving the extension by such  
2 institutions of any financial or technical assistance, to any  
3 country, entity, or municipality whose competent authori-  
4 ties have failed, as determined by the Secretary of State,  
5 to take necessary and significant steps to implement its  
6 international legal obligations to apprehend and transfer  
7 to the International Criminal Tribunal for the former  
8 Yugoslavia (the “Tribunal”) all persons in their territory  
9 who have been publicly indicted by the Tribunal and to  
10 otherwise cooperate with the Tribunal.

11 (2) The provisions of this subsection shall not apply  
12 to humanitarian assistance or assistance for democratiza-  
13 tion.

14 (b) The provisions of subsection (a) shall apply unless  
15 the Secretary of State determines and reports to the ap-  
16 propriate congressional committees that the competent au-  
17 thorities of such country, entity, or municipality are—

18 (1) cooperating with the Tribunal, including  
19 unimpeded access for investigators to archives and  
20 witnesses, the provision of documents, and the sur-  
21 render and transfer of indictees or assistance in  
22 their apprehension; and

23 (2) are acting consistently with the Dayton Ac-  
24 cords.

1       (c) Not less than 10 days before any vote in an inter-  
2 national financial institution regarding the extension of  
3 any new project involving financial or technical assistance  
4 or grants to any country or entity described in subsection  
5 (a), the Secretary of the Treasury, in consultation with  
6 the Secretary of State, shall provide to the Committees  
7 on Appropriations a written justification for the proposed  
8 assistance, including an explanation of the United States  
9 position regarding any such vote, as well as a description  
10 of the location of the proposed assistance by municipality,  
11 its purpose, and its intended beneficiaries.

12       (d) In carrying out this section, the Secretary of  
13 State, the Administrator of the United States Agency for  
14 International Development, and the Secretary of the  
15 Treasury shall consult with representatives of human  
16 rights organizations and all government agencies with rel-  
17 evant information to help prevent indicted war criminals  
18 from benefiting from any financial or technical assistance  
19 or grants provided to any country or entity described in  
20 subsection (a).

21       (e) The Secretary of State may waive the application  
22 of subsection (a) with respect to projects within a country,  
23 entity, or municipality upon a written determination to the  
24 Committees on Appropriations that such assistance di-  
25 rectly supports the implementation of the Dayton Accords.

1 (f) DEFINITIONS.—As used in this section—

2 (1) COUNTRY.—The term “country” means  
3 Bosnia and Herzegovina, Croatia and Serbia.

4 (2) ENTITY.—The term “entity” refers to the  
5 Federation of Bosnia and Herzegovina, Kosovo,  
6 Montenegro and the Republika Srpska.

7 (3) MUNICIPALITY.—The term “municipality”  
8 means a city, town or other subdivision within a  
9 country or entity as defined herein.

10 (4) DAYTON ACCORDS.—The term “Dayton Ac-  
11 cords” means the General Framework Agreement  
12 for Peace in Bosnia and Herzegovina, together with  
13 annexes relating thereto, done at Dayton, November  
14 10 through 16, 1995.

15 USER FEES

16 SEC. 576. The Secretary of the Treasury shall in-  
17 struct the United States Executive Director at each inter-  
18 national financial institution (as defined in section  
19 1701(c)(2) of the International Financial Institutions Act)  
20 and the International Monetary Fund to oppose any loan,  
21 grant, strategy or policy of these institutions that would  
22 require user fees or service charges on poor people for pri-  
23 mary education or primary healthcare, including preven-  
24 tion and treatment efforts for HIV/AIDS, malaria, tuber-  
25 culosis, and infant, child, and maternal well-being, in con-  
26 nection with the institutions’ financing programs.

## FUNDING FOR SERBIA

1

2 SEC. 577. (a) Funds appropriated by this Act may  
3 be made available for assistance for Serbia after March  
4 31, 2003, if the President has made the determination and  
5 certification contained in subsection (c).

6 (b) After March 31, 2003, the Secretary of the Treas-  
7 ury should instruct the United States executive directors  
8 to the international financial institutions to support loans  
9 and assistance to the Government of the Federal Republic  
10 of Yugoslavia subject to the conditions in subsection (c):  
11 *Provided*, That section 576 of the Foreign Operations, Ex-  
12 port Financing, and Related Programs Appropriations  
13 Act, 1997, as amended, shall not apply to the provision  
14 of loans and assistance to the Federal Republic of Yugo-  
15 slavia through international financial institutions.

16 (c) The determination and certification referred to in  
17 subsection (a) is a determination by the President and a  
18 certification to the Committees on Appropriations that the  
19 Government of the Federal Republic of Yugoslavia is—

20 (1) cooperating, on a continuing basis, with the  
21 International Criminal Tribunal for the former  
22 Yugoslavia including unimpeded access for investiga-  
23 tors to archives and witnesses, the provision of docu-  
24 ments, and the surrender and transfer of indictees  
25 or assistance in their apprehension;

1           (2) taking steps to implement policies which re-  
 2       flect a respect for minority rights and the rule of  
 3       law, including ending Serbian financial, political, se-  
 4       curity and other support which has served to main-  
 5       tain separate Republika Srpska institutions.

6       (d) Subsections (b) and (c) shall not apply to Monte-  
 7       negro, Kosovo, humanitarian assistance, assistance to pro-  
 8       mote democracy in municipalities, or assistance to pro-  
 9       mote reconciliation among ethnic groups within the former  
 10      Yugoslavia.

11           COMMUNITY-BASED POLICE ASSISTANCE

12       SEC. 578. (a) AUTHORITY.—Funds made available to  
 13      carry out the provisions of chapter 1 of part I and chapter  
 14      4 of part II of the Foreign Assistance Act of 1961, may  
 15      be used, notwithstanding section 660 of that Act, to en-  
 16      hance the effectiveness and accountability of civilian police  
 17      authority in Jamaica and El Salvador through training  
 18      and technical assistance in human rights, the rule of law,  
 19      strategic planning, and through assistance to foster civil-  
 20      ian police roles that support democratic governance in-  
 21      cluding assistance for programs to prevent conflict and  
 22      foster improved police relations with the communities they  
 23      serve.

24       (b) REPORT.—

25           (1) The Administrator of the United States  
 26      Agency for International Development shall submit,

1 at the time of submission of the agency's Congres-  
2 sional Budget Justification Document for fiscal year  
3 2004, and annually thereafter, a report to the Com-  
4 mittees on Appropriations describing the progress  
5 these programs are making toward improving police  
6 relations with the communities they serve and insti-  
7 tutionalizing an effective community-based police  
8 program.

9 (2) The requirements of paragraph (1) are in  
10 lieu of the requirements contains in section 587(b)  
11 of Public Law 107–115.

12 (c) NOTIFICATION.—Assistance provided under sub-  
13 section (a) shall be subject to the regular notification pro-  
14 cedures of the Committees on Appropriations.

15 EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH-  
16 ERN EUROPEAN COUNTRIES AND CERTAIN OTHER  
17 COUNTRIES

18 SEC. 579. Notwithstanding section 516(e) of the For-  
19 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during  
20 each of the fiscal years 2003 and 2004, funds available  
21 to the Department of Defense may be expended for crat-  
22 ing, packing, handling, and transportation of excess de-  
23 fense articles transferred under the authority of section  
24 516 of such Act to Albania, Bulgaria, Croatia, Estonia,  
25 Former Yugoslavia Republic of Macedonia, Georgia, India,  
26 Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova,

1 Mongolia, Pakistan, Romania, Slovakia, Slovenia,  
2 Tajikistan, Turkmenistan, Ukraine, and Uzbekistan:  
3 *Provided*, That section 105 of Public Law 104–164 is  
4 amended by striking “2002 and 2003” and inserting  
5 “2003 and 2004”.

6 OVERSEAS PRIVATE INVESTMENT CORPORATION AND  
7 EXPORT-IMPORT BANK RESTRICTIONS

8 SEC. 580. (a) LIMITATION ON USE OF FUNDS BY  
9 OPIC.—None of the funds made available in this Act may  
10 be used by the Overseas Private Investment Corporation  
11 to insure, reinsure, guarantee, or finance any investment  
12 in connection with a project involving the mining,  
13 polishing or other processing, or sale of diamonds in a  
14 country that fails to meet the requirements of subsection  
15 (c).

16 (b) LIMITATION ON USE OF FUNDS BY THE EXPORT-  
17 IMPORT BANK.—None of the funds made available in this  
18 Act may be used by the Export-Import Bank of the United  
19 States to guarantee, insure, extend credit, or participate  
20 in an extension of credit in connection with the export of  
21 any goods to a country for use in an enterprise involving  
22 the mining, polishing or other processing, or sale of dia-  
23 monds in a country that fails to meet the requirements  
24 of subsection (c).

25 (c) REQUIREMENTS.—The requirements referred to  
26 in subsection (a) and (b) are that the country concerned

1 is implementing the recommendations, obligations and re-  
2 quirements developed by the Kimberley Process on conflict  
3 diamonds, or taking other measures that the Secretary of  
4 State determines to contribute effectively to preventing  
5 and eliminating the trade in conflict diamonds.

6 REQUIREMENTS RELATING TO PRIVATE ORGANIZATIONS

7 SEC. 581. Notwithstanding any other provision of  
8 law, regulation, or policy, in determining eligibility for as-  
9 sistance authorized under part I of the Foreign Assistance  
10 Act of 1961, foreign private organizations shall be subject  
11 to only those requirements relating to the use of non-  
12 United States Government funds for advocacy and lob-  
13 bying activities that apply to United State private organi-  
14 zations receiving assistance under part I of such Act.

15 CORPORATE RESPONSIBILITY

16 SEC. 582. The Export-Import Bank of the United  
17 States, the Overseas Private Investment Corporation, and  
18 the Trade and Development Agency shall require, before  
19 obligating funds appropriated by this Act for any grant,  
20 loan, insurance, reinsurance, or other financing with a for-  
21 profit enterprise doing business in the United States, that  
22 the chief executive officer of such enterprise certify that  
23 any filing with an agency of the United States Government  
24 on the financial condition of the enterprise is, to the best  
25 knowledge of the officer, complete and accurate.

9 TRANSPARENCY OF GOVERNMENT REVENUES

18 COOPERATION WITH CUBA ON COUNTER-NARCOTICS

SEC. 585. (a) Subject to subsection (b), of the funds appropriated under the heading “International Narcotics Control and Law Enforcement”, \$3,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on

1 counter-narcotics matters, including matters relating to  
 2 cooperation, coordination, and mutual assistance in the  
 3 interdiction of illicit drugs being transported through  
 4 Cuba airspace or over Cuba waters.

5 (b) The amount in subsection (a) shall not be avail-  
 6 able if the President certifies that—

7 (1) Cuba does not have in place appropriate  
 8 procedures to protect against the loss of innocent  
 9 life in the air and on the ground in connection with  
 10 the interdiction of illegal drugs; and

11 (2) there is evidence of involvement of the Gov-  
 12 ernment of Cuba in drug trafficking.

13 PROHIBITION ON FUNDING FOR ABORTIONS AND  
 14 INVOLUNTARY STERILIZATION

15 SEC. 586. None of the funds made available to carry  
 16 out part I of the Foreign Assistance Act of 1961, as  
 17 amended, may be used to pay for the performance of abor-  
 18 tions as a method of family planning or to motivate or  
 19 coerce any person to practice abortions. None of the funds  
 20 made available to carry out part I of the Foreign Assist-  
 21 ance Act of 1961, as amended, may be used to pay for  
 22 the performance of involuntary sterilization as a method  
 23 of family planning or to coerce or provide any financial  
 24 incentive to any person to undergo sterilizations. None of  
 25 the funds made available to carry out part I of the Foreign  
 26 Assistance Act of 1961, as amended, may be used to pay

1 for any biomedical research which relates in whole or in  
2 part, to methods of, or the performance of, abortions or  
3 involuntary sterilization as a means of family planning.  
4 None of the funds made available to carry out part I of  
5 the Foreign Assistance Act of 1961, as amended, may be  
6 obligated or expended for any country or organization if  
7 the President certifies that the use of these funds by any  
8 such country or organization would violate any of the  
9 above provisions related to abortions and involuntary steri-  
10 lizations.

11 TIBET

12 SEC. 587. The Secretary of the Treasury should in-  
13 struct the United States executive director to each inter-  
14 national financial institution to use the voice and vote to  
15 support projects in Tibet if such projects do not provide  
16 incentives for the migration and settlement of non-Tibet-  
17 ans into Tibet or facilitate the transfer of ownership of  
18 Tibetan land and natural resources to non-Tibetans; are  
19 based on a thorough needs-assessment; foster self-suffi-  
20 ciency of the Tibetan people and respect Tibetan culture  
21 and traditions; and are subject to effective monitoring.

22 This Act may be cited as the “Foreign Operations,  
23 Export Financing, and Related Programs Appropriations  
24 Act, 2003”.

**Calendar No. 513**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2779**

**[Report No. 107-219]**

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**A BILL**

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

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JULY 24, 2002

Read twice and placed on the calendar